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THE COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS DEPARTMENT OF PUBLIC WELFARE

CODE OF MASSACHUSETTS REGULATIONS

TITLE 106 CMR CHAPTERS 301-306

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AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM REGULATIONS

1980

JOHN D. PRATT

COMMISSIONER

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1200 ORGANIZATION OF THE HANDBOOK

The Handbook is divided into five parts.

- Part I, Introduction and Glossary, tells you how to use the Handbook and gives you general background information.
- Part II, The Eligibility Process, focuses on the processes of taking applications, making redeterminations, and determining the eligibility of applicants and recipients.
- Part III consists of Case Situation Guides. Each guide gives step-by-step instructions for dealing with a number of situations that frequently occur in an AFDC case.
- Part IV of the Handbook contains Case Action Guides. These are instructions for taking the steps - like recalculating a grant or notifying a recipient - that are common to many case situations.
- Part V consists of Forms and Instructions.

The numbering system used for the Handbook is as follows:

- Sections in Part I are numbered from 1000 to 1999;
- Sections in Part II, from 2000 to 2999;
- Sections in Part III, from 3000 to 3999;
- Sections in Part IV, from 4000 to 4999; and
- Sections in Part V, from 5000 to 5999.

The appendices are organized as follows:

- Appendix I gives Sources of Birth, Death, Marriage and Divorce Records from every state and territory in the United States.
- Appendix II contains instructions for using the Turnaround Document (TD).

Finally, at the back of the Handbook is a common index for both the Handbook and the Manual.

1210 UPDATING THE HANDBOOK

The Handbook is intended to be the source of all procedural instructions. As policies and procedures change, the Handbook is revised and supplemented with new material. New or revised sections are sent to Handbook holders for updating.

The vehicle for transmitting these sections are TRANSMITTAL NOTICES. These are numbered sequentially and contain instructions for filing changes or additions as well as information about the change and advice to the reader as to the significance of the material. The Transmittal Notice itself is to be detached from the material and should not be interfiled with the new pages transmitted. In the front of each handbook the holder must maintain a checksheet for Handbook Transmittals. When you receive a Transmittal Notice and place the new material in the Handbook, you must record the action by dating the checksheet. This is a way of making sure that your Handbook is up-to-date.

On occasion transmittals may be received out of sequence. From time to time holders are notified of the transmittals they should have received.

It is not necessary to retain copies of the transmittal notices themselves, but one set of Handbook Transmittal Notices should be maintained in each office for reference purposes. Holders should feel free to maintain their own set if they feel it is of value.

The effective date of each transmittal is shown on the Transmittal Notice, as well as on the new or revised Handbook page.

The Department welcomes suggestions for improvement to the Handbook from field staff. Suggestions should be forwarded through the appropriate channels to:

Director of Hotline
Office of Assistance Payments
Department of Public Welfare
600 Washington Street
Boston, Massachusetts 02111

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301.000: Overview of General Policies

This chapter provides an introduction to the Aid to Families with Dependent Children (AFDC) Program in the Commonwealth of Massachusetts and to the Department of Public Welfare, which administers the program.

The policies described in this chapter are the basis for the administration and functioning of the program; eligibility policies are discussed in Chapter 303: Categorical Requirements, and Chapter 304: Financial Eligibility. The subjects covered herein are:

(A) Authority for the Department of Public Welfare, Section 301.100;

(B) The Aid to Families with Dependent Children Program, Section 301.200;

(C) Rights of Applicants and Recipients, Section 301.300;

(D) Responsibilities of Applicants and Recipients, Section 301.400;

(E) Timely Provision of Benefits, Section 301.500; and

(F) Definition of Terms, Section 301.600.

301.100: Authority for the Department of Public Welfare

The Massachusetts Department of Public Welfare is created by Massachusetts General Laws Chapter 18, as amended. Under this law, the Department administers various programs established by General or Special Laws of the Commonwealth, by Executive Order of the Governor of the Commonwealth, and by agreements with the United States Department of Health and Human Services (DHHS).

The rules, regulations, and policies of the Department are promulgated and implemented in accordance with General Laws Chapter 30A, as amended, and in accordance with other applicable General Laws of the Commonwealth. The regulations of the Department are found in Title 106 of the Code of Massachusetts Regulations (CMR).

301.110: Programs Administered by the Department

The various programs administered by the Department include the following:

(A) Aid to Families with Dependent Children (AFDC);

(B) Emergency Assistance (EA);

(C) General Relief (GR);

(D) Medical Assistance (MA);

(E) Cuban Refugees (CR);

(F) Indochinese Refugee Assistance Program (IRAP);

(G) Repatriated Citizens (RC); and

(H) Food Stamps (FS).

The administrative and eligibility requirements of these programs are provided in the appropriate Department regulations. Benefits of programs other than the AFDC Program which may be available to recipients of AFDC, such as Medical Assistance, Emergency Assistance, and Food Stamps, are summarized in these regulations.

301.120: Limitation on Program Eligibility

AFDC recipients may receive Emergency Assistance (EA), Medical Assistance (MA) and Food Stamps (FS) while on AFDC, but they are not concurrently eligible for any of the following: General Relief (GR); Cuban Refugee (CR); Repatriated Citizens (RC); Supplemental Security Income (SSI); Veterans Service Benefits (VSB); and Indochinese Refugee Assistance Program (IRAP).

301.200: The Aid to Families with Dependent Children Program

The AFDC Program is a program which provides financial assistance and a limited range of social services to families with dependent children. The program is authorized by Title IV-A of the Social Security Act.

The Department of Public Welfare administers the financial assistance component of the program. The social service component is administered by the Department of Social Services (DSS). At the federal level, both components are administered by the Department of Health and Human Services (DHHS).

Massachusetts General Laws Chapter 118, as amended, provides for the program to be administered at the state level by the Massachusetts Department of Public Welfare in accordance with Title IV-A of the Social Security Act, applicable federal regulations, and official issuances of DHHS.

301.210: Administration of the AFDC Program

The policies of the financial assistance component of the AFDC Program are formulated by the Department's Central Office, located in Boston. The Central Office provides the general administrative direction for the program.

Benefits and referrals for services are provided to applicants and recipients through a system of Welfare Service Offices (WSOs) and Community Service Area Offices (CSAOs).

Six Regional Offices (ROs), located throughout the Commonwealth, provide management oversight and review functions for the Department's WSOs and CSAOs.

301.220: Availability of AFDC Benefits

AFDC benefits provided by the Department are available to eligible applicants and recipients on a statewide basis. The standards for determining financial eligibility and the amount of assistance are established on an objective and equitable basis in accordance with federal regulations.

Only the benefits authorized in these regulations may be provided by the Department.

301.230: Obtaining AFDC Benefits

AFDC applicants and recipients obtain benefits through contact with workers in the Department's WSOs and CSAOs. These workers carry out the Department's responsibility to:

(A) Advise applicants and recipients of all requirements and benefits of the program;

(B) Advise applicants and recipients of their rights;

(C) Respect the rights of applicants and recipients;

(D) Determine eligibility and amount of the grant;

(E) Make necessary referrals for related benefits and services; and

(F) Perform the auxiliary administrative activities required.

301.240: The AFDC Manual

The AFDC manual contains policies and standards for the AFDC Program administered by the Department. The manual constitutes the regulations of the Department and has the authority of law. Workers must cite the relevant regulations as support for case actions. The authoritative text of the manual is that published by the Secretary of State of the Commonwealth of Massachusetts.

Copies of the manual are available to the public for inspection at the Department's WSOs and CSAOs.

301.300: Rights of Applicants and Recipients

The policies of the AFDC Program must be administered in accordance with the rights guaranteed to applicants and recipients by Massachusetts and federal law, federal regulations, the policies of the Department, and general principles of privacy and personal dignity. Applicants and recipients must be treated with consideration and respect and must be able to discuss their requests with a worker in privacy. Workers may not enter a home by force or under false pretences, make unnecessary home visits outside of working hours, or conduct searches in the home.

301.310: Right to Nondiscrimination and Equal Treatment

All activities conducted by the Department must be carried out in accordance with the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color, national origin, or religion; the Rehabilitation Act which prohibits discrimination on the basis of mental or physical handicap; and the Massachusetts Constitution which prohibits discrimination on the basis of sex.

Benefits under the AFDC Program must be provided to all applicants and recipients on an equal basis. All applicants and recipients must be treated in the same manner in determining whether they meet eligibility requirements, in calculating the amount of the grant, and in providing related benefits and referrals for services.

301.320: Right to Confidentiality

The confidentiality of information in the case record is protected in accordance with the provisions of 106 CMR 100 through 108: Fair Information Practices.

Information in case records may be disclosed for certain purposes which do not violate this right to confidentiality.

301.330: Right to Information

The applicant or recipient or his or her designated representative has the right to inspect his or her own case record and to challenge information contained therein. The Department may correct inaccurate information in the case record pursuant to 106 CMR 106.010: Fair Information Practices, Objections.

301.340: Right to a Fair Hearing

The applicant or recipient has the right to a fair hearing as set forth in 106 CMR 343.000: Fair Hearing Rules. Appeals for a fair hearing are discussed in Section 302.600.

301.350: Right to Representation

The applicant or recipient has a right to be assisted, accompanied and, when accompanied, represented by an individual of his or her choice in contacts with the Department and in the various aspects of the eligibility process.

301.400: Responsibilities of Applicants and Recipients

The applicant or recipient has specific responsibilities as described in Sections 301.410 through 301.430.

301.410: Responsibility for Verification

The applicant or recipient has the primary responsibility for providing the verification required in establishing eligibility for assistance.

The worker must inform the applicant or recipient of the necessity of providing verification, of the alternative types of verification that are acceptable and the preferred method of verification, if any. The worker may also offer suggestions on obtaining the required verification. If the applicant or recipient is unable to obtain the required information for reasons beyond his or her control, and no one is available to assist him or her, the worker must assist the applicant or recipient in obtaining the necessary documentation.

Unreasonable failure to provide or cooperate in obtaining the required verification is a basis for denial or termination of assistance.

301.420: Responsibility for Notification of Changes

The applicant or recipient is required to report to the Department within ten calendar days any changes in his or her circumstances which may affect his or her eligibility, or the amount of the grant.

The Department must send a notice regarding the responsibility for notification to each recipient at least twice a year. This periodic notice must:

(A) Include a reminder of the obligation to notify the Department of changes in income, resources, or other circumstances, within 10 calendar days of the change, and that a failure to do so may constitute willful withholding of information and may result in a referral to the Bureau of Welfare Auditing (BWA) or recoupment of the overpayment or both;

(B) Specifically and clearly indicate the type of information to be disclosed by the recipient, such as changes in wages, receipt or loss of income like Unemployment Compensation, Social Security or Veterans Administration payments, changes in household composition or living arrangements, or changes in real or personal property by sale, gift or inheritance; and

(C) Require the recipient to contact the agency within 10 calendar days of a change in circumstances if there is any doubt whether it should be reported.

301.430: Responsibility for Furnishing Information

The applicant or recipient must provide information in response to requests from the Department's workers and its Division of Quality Control if such information is requested for purposes of program administration.

301.500: Timely Provision of Benefits

All benefits for which applicants and recipients are eligible, or auxiliary activities necessary for the delivery of these benefits, must be provided with reasonable promptness. This requirement is satisfied by compliance with Time Standards for Department Action, as set forth in Section 301.530: Table of Time Standards.

Benefits include the grant as well as the Medicaid ID card, Emergency Assistance and other related benefits described in Chapter 305: Related Benefits.

The rescheduled appointment must be conducted within ten (10) calendar days of the original appointment. Failure to keep such appointments shall constitute failure to cooperate in the eligibility determination process unless the recipient contacts the worker prior to the appointment and one of the following applies:

- the recipient or other family member was ill or incapacitated; or
- the recipient was not adequately notified of this appointment.

301.450: Photo Identification Cards

The Department shall provide each grantee-relative (see Section 301.600(L)), including those grantee-relatives who are not themselves included in the assistance unit, with a photo-identification card.

301.500: Timely Provision of Benefits

All benefits for which recipients are eligible, or auxiliary activities necessary for the delivery of these benefits, must be provided with reasonable promptness. This requirement is satisfied by compliance with Time Standards for Department Action, as set forth in Section 301.530: Table of Time Standards.

Time standards which relate to processing of AFDC applications are addressed in Section 302.100: The Application Process.

Benefits include the grant as well as the Medicaid ID card, Emergency Assistance and other related benefits described in Chapter 305: Related Benefits.

Auxiliary activities are the activities necessary for the receipt of the benefits described above. These include, but are not limited to, changing an address; responding to an inquiry, request, or complaint; replacing a lost or stolen check; adjusting the grant; and authorizing a related benefit.

Auxilary activities are the activities necessary for the receipt of the benefits described above. These include, but are not limited to, changing an adddress; responding to an inquiry, request, or complaint; replacing a lost or stolen check; adjusting the grant; and authorizing a related benefit.

301.510: Time Standards for Department Action

(A) The time standard required for Department action is the number of days within which the Department must complete the action necessary for the provision of the benefit. Benefit delivery time is counted in consecutive calendar days beginning on the day after request for the benefit, and includes the day when the benefit is provided, or a voucher is issued, or a third party is authorized to provide the benefit. Issuance of temporary Medicaid ID cards is measured in working days.

(B) A request for a benefit may be made orally or in writing by an applicant or recipient or by a person acting on his or her behalf. The request, whether oral or written, must be recorded or documented in the case record. The date the request is received must be recorded. When the request is for replacement of a lost or stolen check, the date of the request is the date the recipient signs a Statement of Loss Form (FCB-1).

A request may me made to any of the following individuals: the Financial Assistance Worker assigned to the case, the Financial Assistance Supervisor of the Worker assigned to the case, the Financial Assistance Worker on Duty, the Assistant Director for Assistance Payments or the Director.

(C) In all cases, the time standard is the maximum time period allowed provided the applicant or recipient furnishes the required verification; however, the service or benefit must be provided as soon as possible. The allowable time periods for providing benefits to eligible applicants or recipients are extended by the number of days, if any, that an applicant or recipient is late in providing verification. Any delay must be recorded in the case record.

(D) If an applicant or recipient requests a benefit in advance, and the deadline for Department action falls before the date the benefit is needed, then action is deferred until, but not beyond, the date the benefit is needed.

(E) Failure to provide delivery of a benefit within the allowable time period does not relieve the Department of its obligation to provide the benefit.

301.520: Time Standards for Verification

(A) Except in cases of immediate need and Emergency Assistance (see 302.130(F) and Chapter 309), no benefit may be provided unless all required verifications are present in the case record. If verification is required prior to the provision of a benefit, the applicant or recipient must be immediately notified of the specific verification requirements, the time period for such verification, and the effects of late or missing verification.

(B) "Immediate notification" means one of the following:

(1) Hand delivered written notice on the date of receipt of a face-to-face request for a benefit;

(2) Notice mailed immediately and in no case later than 3 calendar days of receipt of a mailed request for a benefit; or

(3) Oral notice on the date of receipt of a telephone request for a benefit, followed by written notice immediately and in no case later than 3 calendar days.

No written notice is required if the request is for an MA-ID card.

(C) Upon notification, the applicant or recipient must provide the required verification in a timely manner, as set forth in Section 301.530: Table of Time Standards. Applicant or recipient verification time is counted in consecutive calendar days beginning on the day after the Department hand delivers or mails notification of verification requirements, and including the day when the last item of required verification is received by the Department. If Department notice to the applicant or recipient is late, the time period for verification is counted from the actual date of notification. Failure to provide the required verification within applicable time periods will postpone the date on which the Department can provide the benefit. However, if the Department fails to notify the applicant or recipient of verification requirements, the time period for Department action will not be extended.

(D) Where an applicant or recipient is late in providing required verification, but does so within 30 days of notification (or 45 days for AFDC-Related Services), the request must be processed. If timely and adequate notice has been given, and verification has not been provided by the end of 30 days (or 45 days for AFDC-Related Services) after it was requested, or if verification provided establishes that the applicant or recipient is not eligible, the benefit must be denied. The applicant or recipient retains the right to reapply.

301.530: Table of Time Standards

The time standards which apply to the benefits authorized by the AFDC Program are given below.

BENEFITS	MANUAL REFERENCE	RECIPIENT VERIFICATION TIME FROM DATE OF DEPARTMENT NOTICE	DEPARTMENT BENEFIT DELIVERY TIME (IF VERIFICATION IS TIMELY FROM DATE OF REQUEST FOR BENEFITS
(A) Vouchers			
1. Emergency Assistance	Chapter 309	Varies by Benefit	Varies by Benefit
2. Advances on Lost and Stolen Check Replacement:	Section 306.430: Immediate Assistance Pending Replacement		
Uncashed Checks		N/A	7 calendar days* (to issuance of voucher)
Cashed Checks		N/A	14 calendar days (to issuance of voucher)
(B) Replacement of Lost and Stolen Checks:	Section 306.420: Authorization of a Replacement Check		
Uncashed Checks		N/A	12 calendar days (to issuance of check)
Cashed Checks		N/A	26 calendar days (to issuance of check)
(C) Issuance of Temporary Medicaid ID Card	Section 302.130(F): Med. Assistance	next working day	Next working day (to issuance of card)
(D) Prior Authorization for Medical Transportation	Section 305.140: Medical Transportation	next working day	7 calendar days (to issuance of prior approval form)
(E) Case Maintenance			
1. Change of Address	Section 302.400: Case Maintenance	8 calendar days if verification is necessary (see 306.410)	14 calendar days (to entry on file)
2. Increase in Grant	Section 302.400: Case Maintenance	10 calendar days	19 calendar days (to entry on file)
(F) AFDC-Related Services	Chapter 305	26 calendar days	45 calendar days

*The period must be the number of days, if less than 7, necessary to avoid any serious and imminent risk to the health and safety of the applicant or recipient which might arise from failure to act until the full 7 days have elapsed.

301.600: Definition of Terms

Certain terms have a specialized meaning in the administration of the AFDC Program. This section provides a brief definition of these terms and a manual reference where a more complete definition and any program requirements may be found.

Terms which are used according to their standard dictionary definitions are not included.

(A) Appeal

An appeal is a written request for a fair hearing on an action proposed or taken by the Department or on the Department's failure to act.

Manual Reference: 302.600, 343.000

(B) Assets

Assets are objects of value, not defined as income herein, such as personal property, real estate, automobiles, life insurance, cash and bank deposits, securities, and certain other items.

Manual Reference: 304.100

(C) Assistance Unit

The assistance unit is that group of persons whose assets, income, and needs are considered in determining eligibility and the amount of the grant.

Manual Reference: 304.300

(D) Auxiliary Activities

Auxiliary activities are those administrative actions necessary to ensure that the benefits authorized for eligible recipients are provided in a timely and accurate manner.

Manual Reference: 306.000

(E) Case Record

The case record is the permanent collection, in written form, of the information necessary for determining eligibility and providing benefits and referrals for services.

Manual Reference: 302.410

(F) Competent Medical Authority

A competent medical authority is a physician or psychologist licensed by the Commonwealth of Massachusetts. An appropriate competent medical authority is required to provide verification in certain situations.

Manual Reference: 303.330

(G) Dependent Child

A dependent child is a financially eligible child who is deprived of the support or care of one or both of its natural or adoptive parents through death, continued absence, incapacity or unemployment. The term, dependent child, as used throughout these regulations, is understood to include the plural.

Manual Reference: 303.100

(H) Deprivation Factor

The deprivation factor is one of the 4 circumstances that fulfills the AFDC eligibility requirement that a child lack the care or support of a natural or adoptive parent. The 4 circumstances are death, continued absence, incapacity or unemployment.

Manual Reference: 303.300

(I) Eligibility Process

The eligibility process is those activities which are required in all cases as part of the basic provision of benefits. These activities begin with the application for assistance, include redeterminations of eligibility and case maintenance activities, and end with notification and appeal provisions.

Manual Reference: 302.000

(J) Fair Hearing

A fair hearing is a proceeding conducted by an impartial officer of the Division of Hearings to review an action proposed, taken or not taken by the Department, which has been appealed.

Manual Reference: 302.600

(K) Grant

The grant is the total amount of financial assistance which an assistance unit is eligible to receive. It is paid in the form of semi-monthly and quarterly checks to recipients, or in the form of vendor payments to providers of goods and services on behalf of recipients.

Manual Reference: 304.600

(L) Grantee-Relative

The grantee-relative is the person who receives the grant for the assistance unit.

Manual Reference: 303.210

(M) Home Visit

A home visit is a visit to the home of the applicant or recipient by the worker for purposes of determination or redetermination of eligibility.

Manual Reference: 302.340

(N) Household

The household, as distinct from the assistance unit, is the total group of persons who live together. The assistance unit and the household may or may not be the same group of persons.

Manual Reference: 304.300

(O) Income

Income is any money, goods, or services, not defined as assets herein, received from any source, such as salaries, wages, tips, bonuses, annuities, free shelter or utilities.

Manual Reference: 304.200

(P) Notice

Notice is a written statement of an action proposed or taken by the Department, including the reasons for the action, an appropriate citation to these regulations, and an explanation of the individual's right to appeal. Timely notice is mailed at least ten days in advance of the date the proposed action is effective, or in specific cases, no later than the date the action is effective.

Manual Reference: 302.500

(Q) Recipient

A recipient is any person included in the assistance unit.

Manual Reference: 304.300

(R) Redetermination

A redetermination is a periodic reevaluation of eligibility.

Manual Reference: 302.200

(S) Related Benefits

Related benefits are benefits other than the grant which are authorized by the AFDC Program.

Manual Reference: 305.000

(T) Standard of Assistance

The Standard of Assistance is the measure used to determine financial eligibility and the amount of the grant.

Manual Reference: 304.400

(U) Vendor Payments

Vendor payments are payments which are made directly to a provider of goods or services on behalf of a recipient of AFDC. Vendor payments include protective payments, vendor payments made because of mismanagement of funds.

Manual Reference: 306.600

(V) Verification

Verification is the process of ensuring the validity of a statement or circumstance for purposes of determining or redetermining the eligibility of an applicant or recipient.

Manual Reference: 302.300

(W) Voucher

A voucher is a Department form authorizing a vendor payment.

Manual Reference: 306.600

(X) WIN Social Services

Social Services necessary for a WIN registrant to enter employment or training.

Manual Reference: 305.900

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302.000: Overview of the Eligibility Process

The eligibility process consists primarily of the determination and redetermination of eligibility. Verification, case maintenance, notification, and consideration of the appeal, if any, are activities which support the determination and redetermination of eligibility.

The various activities that comprise the eligibility process are described in the following sections:

(A) Applications, Section 302.100;

(B) Redeterminations, Section 302.200;

(C) Verification, Section 302.300;

(D) Case Maintenance, Section 302.400;

(E) Notification, Section 302.500;

(F) Appeals, Section 302.600;

(G) Development of Other Benefits, Section 302.700; and

(H) Assignments for Third Party Recoveries, Section 302.800.

302.100: The Application Process

The application process consists of all the activities conducted for the purpose of determining the eligibility of an AFDC applicant. These activities are initiated with the filing of an application and concluded with a final disposition of the application.

302.110: Filing of Applications

(A) Right to Apply

Every person has the right, and must be afforded the opportunity to apply for AFDC without delay. Individuals who inquire about assistance must be provided with oral and written informational material about the benefits, conditions of eligibility, rights and responsibilities associated with the AFDC Program.

If requested, an application must be taken even though an individual appears to be ineligible.

(B) Definition

An application is a signed and dated request for assistance on a form prescribed by the Department. The application is filed when the applicant signs and dates the prescribed forms. The application is completed by the worker during an intake interview.

An application is distinguished from an inquiry, which is simply a request for information about the AFDC Program or its eligibility requirements. An inquiry may result in an application, referral to another agency, or no further action.

(C) Application for Dependent Children

The application for a dependent child must be filed by the grantee-relative or the grantee-relative's authorized representative.

(D) Activities to be Completed Within 24 Hours

If the worker cannot complete the application form within 24 hours of filing, excluding weekends and holidays, (s)he must, within 24 hours:

(1) Log the case in Department records. Logging includes recording the applicant's name, address, telephone number, and the date on which the application for assistance was filed;

(2) Ask the applicant about, and make provisions to meet, his or her immediate needs, in accordance with Section 302.130(F);

(3) Inform the applicant of the steps that (s)he must take to complete the application; and

(4) Schedule any additional interviews that may be necessary within a time that will permit receipt of the first check or denial of the application within 30 days.

302.120: The Application Interview

Each determination of eligibility must include a face-to-face interview with the applicant.

302.130: Application Activities

(A) Completion of Forms

The form for the determination of initial eligibility is the Application for Aid to Families with Dependent Children (Form AP-1). The

worker is responsible for the completion of the form which is then signed by both the worker and the applicant. The worker is responsible for assuring that the information recorded on the form accurately represents what the applicant states about his or her circumstances.

(B) Identification of the Applicant

The worker must establish the identity of the applicant. Proof of identity may be a Social Security card, driver's license, voter registration card, military service papers, marriage license, employment papers or any of the items in Section 303.120 used in the verification of age.

(C) Development of Other Benefits

The worker must review with the applicant any non-AFDC benefits such as Social Security or SSI to which the applicant or members of the assistance unit may be entitled. See Section 302.700: Development of Other Benefits.

(D) Explanation of Rights and Responsibilities

The applicant must be informed at the time of application of the rights and responsibilities associated with the AFDC Program. See Section 301.300: Rights of Applicants and Recipients, and Section 301.400: Responsibilities of Applicants and Recipients.

(E) AFDC-Related Benefits and Services

The worker must inform the applicant that eligibility for AFDC benefits will confer eligibility for Medical Assistance; that (s)he may choose to apply for Food Stamps as part of the AFDC application process; and that if (s)he is found ineligible for AFDC (s)he may make a separate application for Medical Assistance, Food Stamps, and General Relief. The worker must make any necessary arrangements or referrals for other AFDC-related benefits or services, such as Emergency Assistance, retroactive Medical Assistance, day care, baby-sitting, or PGH. See Chapter 305: Related Benefits.

(F) Immediate Needs

At the intake interview, or within 24 hours or the filing of the application if the intake interview cannot be held immediately, the worker must ask the applicant if (s)he is in immediate need of food,

shelter (including rent, fuel and utilities) or medical care. If so, and if the applicant appears to be eligible based on the information available, the worker must inform the applicant of the option to receive an advance on the AFDC payment in the form of a shelter voucher; of the availability of an over-the-counter Authorization to Purchase (ATP) for Food Stamps; of the option to receive an advance on the AFDC payment in the form of a food voucher if (s)he appears to be ineligible for Food Stamps; of the option to receive a Temporary Medicaid Eligibility Card (Form ID-1), if needed.

If any of the above is requested, and the applicant appears to be eligible for AFDC, the worker must provide the food and shelter vouchers and the OTC/ATP immediately, and the Temporary Medicaid Eligibility Card within one working day of the request.

(G) Verification of Information

The worker must require verification of the applicable eligibility factors for which verification is currently required. See Section 302.300: Verification and Section 302.310: Responsibility for Verification.

302.140: Concluding the Application Process

The application process must be concluded by an approval or denial of assistance unless the applicant voluntarily withdraws his or her application.

The approval or denial must be fully supported by the facts recorded in the case record.

Immediately upon the determination, adequate notice (see 302.500: Notification) must be sent to the applicant, or next of kin, if appropriate. A notice of denial must include the proper citation to these regulations.

(A) Eligibility

If the applicant is determined to be eligible, assistance is authorized. The applicant must be notified in writing that assistance has been authorized, and that (s)he has a right to request a hearing on the amount of assistance authorized.

(B) Ineligibility

If the applicant is determined to be ineligible, assistance is denied. The applicant must be notified in writing of the denial, the reasons and specific regulations supporting the denial, and the right to appeal the denial.

(C) Voluntary Withdrawal

The applicant may voluntarily withdraw his or her application at any time. The request must be made in writing and must be confirmed by a notice sent to the applicant and recorded in the case record.

(D) Death

If the worker is advised of the death of the applicant, assistance is denied. Verification of the death consists of contact with the funeral director, a newspaper obituary, other media communication, or an appropriate third person.

In cases of death, the worker must send a letter to the personal representative of the estate advising that assistance is being denied, and stating the reason. The worker must also send a letter to the next of kin, if known, advising that an application for public assistance on behalf of the child(ren) had been made and is being denied.

(E) Unable to Locate

If the worker is unable to locate the applicant after reasonable attempts assistance must be denied. The worker must notify the applicant by mail at the given address of these efforts and allow a reasonable time for response. If no response is received or if mail is returned by the Postal Service as undeliverable with no forwarding address, assistance is denied.

302.150: Date Assistance Begins

Assistance to eligible applicants begins on the date of application. The date of application is the date on which the application form was signed and dated.

If the applicant is not eligible on the date of application, assistance begins on the date (s)he meets the eligibility requirements in Chapters 304 and 303, Sections 303.100 through 303.500.

302.160: Time Standards for Applications

The determination of eligibility must be completed so that the first check or notice of denial is received within 30 days of the date of application.

302.200: Redeterminations

A redetermination is a periodic review of a recipient's circumstances in relation to the eligibility requirements of the AFDC Program. A redetermination is necessary to establish that a recipient remains eligible to receive assistance. The focus of the redetermination process is on those factors of eligibility that are potentially subject to change.

302.210: Frequency of Redeterminations

A recipient's eligibility must be redetermined no less than once every six months. A recipient's eligibility may be redetermined more frequently if the Department obtains information indicating a change in circumstances and needs more information to determine the exact effects of the change on eligibility or the grant amount.

302.220: The Redetermination Interview

A face-to-face interview is required at each redetermination. As determined by the Department, this interview may take place in the home or at the WSO or CSAO.

302.230: Redetermination Activities

(A) Form

The form for the redetermination of eligibility is the Redetermination of Eligibility for Aid to Families with Dependent Children, Form AP-2.

(B) Verification

Verification of eligibility factors, or reverification of factors subject to change, may be required. Factors subject to change include, but are not limited to, living arrangement, income, deprivation factor, assets, student status, and WIN status.

(C) AFDC-Related Benefits; Development of Other Benefits

The worker must make any necessary referrals or arrangements for AFDC-related services or benefits, and inquire about any non-AFDC benefits which may have become available to the recipient.

302.240: Concluding the Redetermination Process

Each redetermination of eligibility must be concluded by a finding of continued eligibility and of the proper amount of the grant, or by a finding of ineligibility. If the worker is unable to complete the redetermination because the recipient has died or cannot be located, assistance must be terminated upon notification of death or after allowing reasonable time for recipient response to worker notification. (See Section 302.140: Concluding the Application Process.)

The recipient must be notified of any proposed action that results from the redetermination in accordance with Section 302.500: Notification.

The redetermination of eligibility must be fully supported by the facts recorded in the case record.

302.300: Verification

Verification is the process of ensuring the validity of a statement or circumstance for purposes of determining or redetermining the eligibility of an applicant or recipient or adjusting the grant.

Verification of the following eligibility factors is always required:

(A) Age;

(B) Relationship;

(C) Death;

(D) Continued Absence;

(E) Incapacity;

(F) WIN registration or exemption;

(G) Alienage;

(H) Social Security number;

(I) Income; and

(J) Assets.

The Department may require verification of factors not listed above when the information available to the Department is contradictory, inconsistent or incomplete, or the Department determines that verification is necessary to ensure efficient administration of the AFDC Program.

When verification is required, only the documentation specified in the relevant sections of this manual is acceptable. If none of the verifications listed in these regulations adequately resolves an eligibility issue, the worker may require verification from other sources.

302.310: Responsibility for Verification

The applicant or recipient is the primary source of verification. If an applicant or recipient is unable to provide the required verification for reasons beyond his or her control and has no one available to assist him or her, the worker must assist the applicant or recipient in obtaining the needed information.

The applicant or recipient must be advised of the necessity of providing verification, the alternative types of verification that are acceptable and the preferred method of verification, if there is one. Unreasonable failure to provide or cooperate in obtaining the required verification is a basis for denial or termination of assistance.

302.320: Information from Government Sources

The applicant or recipient must be informed that the Department may use information from other government sources for purposes of verifying eligibility. These include the Division of Employment Security, the Registry of Motor Vehicles, the Bureau of Vital Statistics, Veterans Services, the Department of Revenue, and other divisions within the Department of Public Welfare.

The Department needs not obtain the prior approval of the applicant or recipient to acquire and use information from other government sources to verify eligibility.

302.330: Frequency of Verification

Some information need only be verified once unless questions are raised about the validity of the verification. Such information includes, but is not limited to, age, death, citizenship or alienage, and Social Security number.

Verification contained in another case record, open or closed, may be accepted if there is no question of its current validity.

302.340: Methods of Verification

The acceptable sources of verification are detailed in the sections of these regulations where the eligibility requirement is stated. The method of verification differs depending on the nature of the information.

If one method of verification is preferred to another, the preferred method is stated.

Methods of verification include original documents, affidavits, third-party statements, and worker observation.

(A) Original Documents

When the verification is an original document, a photocopy of the document must be made, if possible.

If circumstances prevent the photocopying of a document and a copy is not available, the worker must record in the case record the date and source of the document, a summary of its contents and the date the summary was made. The applicant or recipient must be permitted to keep the original document.

(B) Affidavits

An affidavit is a written, sworn statement of fact. An affidavit is sufficient verification only when the appropriate original document is not available. The applicant or recipient must demonstrate that (s)he has tried to obtain the appropriate document.

The affidavit must be filed in the case record.

(C) Statements of Third Parties

If the applicant or recipient has given permission, statements from third parties may be used to verify certain types of information. The worker must obtain written consent from the applicant or recipient for each contact, except as specified in 302.320: Information from Government Sources. If the applicant or recipient refuses to allow the Department to verify information by contacting a third party, assistance must be denied or terminated.

Statements from third parties may be accepted in person, through the mail, and over the phone.

The worker must evaluate the acceptability of the statement as verification of the particular information.

The worker must record the date on which the statement was made, the relevant information, the identification and position of the person making the statement, and a means of contacting that person in the future should it become necessary to support the applicant's or recipient's right of rebuttal at a hearing, if requested.

(D) Worker Observation

Some information may be verified by worker observation in the home of the applicant or recipient.

302.400: Case Maintenance

Case maintenance consists of action necessary to issue payments, adjust the grant amount, change an address, update the Department's computerized files, implement regulatory or procedural changes, and document any action taken and the reasons for such action in the case record. The time standards for case maintenance actions are set forth in Section 301.530: Table of Time Standards.

302.410: Documentation in the Case Record

The case record is the permanent collection, in written form, of the information necessary for determining eligibility and providing benefits and referrals for services.

All decisions regarding eligibility and case actions must be based on information documented in the case record.

Information in the case record is protected by provisions of confidentiality. See Section 301.320: Right to Confidentiality. The applicant or recipient has access to information in the case record in accordance with the right to information. See Section 301.330: Right to Information.

302.500: Notification of Proposed Action

The applicant or recipient must be provided with written notice of any action proposed by the Department which would affect his or her claim to an assistance grant, WIN registration status, Food Stamps, Medical Assistance or other benefits.

Such notice must include a statement of the proposed action, including the amount of financial assistance; the reasons for the proposed action; citation to these regulations supporting the action; and an explanation of the recipient's right to request a fair hearing. Time standards for Notification are set forth in 106 CMR 343.140 and 343.200: Fair Hearing Rules.

302.600: Appeals

The applicant or recipient has a right, and must be afforded the opportunity, to request a fair hearing in accordance with 106 CMR 343: Fair Hearing Rules. The request must be made in writing and must be received by the Department no later than 30 days from the date of notification if the appeal concerns AFDC; 90 days from the date of notification if it concerns Food Stamps; and 60 days from the receipt of notification if it concerns Medical Assistance.

The Department's Division of Hearings is responsible for the resolution of an action which is appealed within this time period. The policies which govern the conduct of Fair Hearings are found in 106 CMR 343: Fair Hearing Rules.

The worker must implement promptly any action required by the Division of Hearings. In no case may a worker take more than 30 days to implement such an action.

302.610: Continued Assistance Pending Appeal Decision

Assistance may not be reduced or terminated until a decision is rendered after a hearing, provided the recipient requested the hearing within 10 days from the date of notification, and none of the situations set forth in 106 CMR 343.250: Fair Hearing Rules, Continuation of Benefits Pending Appeal, pertains.

Assistance paid pending the appeal is subject to recoupment if the Department's action is upheld.

302.700: Development of Other Benefits

Applicants and recipients of AFDC who may be eligible to receive other benefits, such as Unemployment Compensation, Social Security, Railroad Retirement, or Worker's Compensation, must apply for these benefits as a condition of eligibility.

If such benefits are available at the time of application, the applicant must apply for them at that time. Assistance may be provided until actual benefits are received, at which time eligibility will be redetermined.

If these or other benefits become available during receipt of assistance, the recipient must apply for such benefits to remain eligible for AFDC. Eligibility will be redetermined when the benefit is actually received.

An applicant or recipient potentially eligible for Supplemental Security Income (SSI) is exempt from this requirement.

302.710: SSI Benefits

Individuals who are eligible for both SSI and AFDC benefits may elect to participate in either program, but may not participate in both. The AFDC worker must advise such individuals of their option to apply for either program.

In determining how much of an AFDC grant is countable as income to an AFDC recipient who is applying for SSI, the following rules apply:

(A) If no income is being deducted from the AFDC grant, the countable income to the SSI applicant is the incremental standard of assistance (see 304.400: Standards of Assistance).

(B) If income is being deducted from the AFDC grant, and some or all of that income is the personal income of the SSI applicant, the countable income to the SSI applicant is the incremental standard of assistance minus the SSI applicant's personal income.

(C) If income is being deducted from the AFDC grant, and none of that income is the personal income of the SSI applicant, the countable income to the SSI applicant is the AFDC grant divided by the number of people in the assistance unit.

302.800: Assignments for Third Party Recoveries

When benefits are provided under the AFDC or Medical Assistance Programs as a direct result of an accident, injury, or illness, and payment is expected to be provided by liability insurance, Worker's Compensation, or other source, the Department requires an assignment which conveys and transfers to the Department the right to recover an amount equal to the benefits provided. This assignment is required as a condition of initial and continuing eligibility.

302.900: Overview of the Monthly Reporting Project (MRP)

The Monthly Reporting Project is a demonstration research project, sponsored by the US Department of Health and Human Services, in which AFDC recipients at three Boston offices are required to report, on a monthly basis, information relevant to their assistance level and eligibility. For the duration of this project, the Roxbury Crossing office will require all AFDC recipients to complete a reporting form every month, the Adams Street office will require one-half of the AFDC recipients to complete a reporting form every month, with the other half remaining under normal AFDC procedures, and the Hancock Street office will require one-half of its AFDC recipients to report changes in income or other circumstances that effect eligibility.

Individual AFDC recipients may be exempted from participating in the mandatory component (ie., Adams Street and Roxbury Crossing) because of unresolvable illiteracy, mono-lingual limitations other than Spanish or English and for any other reason which may result in the recipient's inability to comprehend or complete the Monthly Report.

Recipients and/or their representatives may request a waiver of participation by contacting the Department personally or by submitting a written request which includes the following information:

(A) Recipient name,
(B) Specific reason for request, and
(C) Any verification supporting the reason for the request.

Each request will be reviewed by the Program Director for Monthly Reporting and the on-site Director of Orientation and Information who shall jointly determine the outcome of each request within five working days of the original date of submission. Deadlocks whall be referred to the Project Director for final determination. Adequate notice shall be sent when a determination regarding the request has been reached. All determinations are subject to appeal.

302.910: Reporting Forms

(A) The Monthly Report (MR). AFDC recipients participating in the mandatory component of the Monthly Reporting Project receive a Monthly Report (MR) with the first check of each month. Recipients are required to complete the form and return it to the Department within seven days. The cyclical month in which the MR is completed and the determination of continued eligibility is made is called the Reporting Month. Recipients report income received and other eligibility factors for the prior report cyclical month (Budget Month). Grant adjustments due to changes in income are made in the cyclical month following the Report Month, which is the Payment month.

Utilization of the MR for the purpose of notification of changes shall constitute compliance with Section 301.420. With the exception of retrospective consideration of changes in earned or unearned income excluding self-employment, all other changes reported on the MR which result in grant increases shall become effective on the date the respective change occurred based upon verification provided by the recipient.

(B) The Monthly Change Report (MCR). AFDC recipients of the Hancock Street office participating in the change reporting component of the Monthly Reporting Project receive a Monthly Change Report with the first check of each month. Recipients must report any change in income or current household circumstances which may affect eligibility. If there are no changes the recipient is not required to complete the form.

302.920: Incomplete Monthly Report

The Monthly Report is considered incomplete;

(A) If the Report is not signed by the recipient, or;

(B) If the recipient fails to provide verification of earned income received during the Budget Month, or;

(C) If the recipient fails to answer any question regarding the status of any currently eligible dependent which appears on the Monthly Report, or

(D) If the recipient fails to answer any question regarding earned income, unearned income or current assets which appears on the Monthly Report.

If a Monthly Report is incomplete the Department will send a Correction Request Notice to the recipient. This will inform the recipient of the particular omission and of the extension period allowed for correcting the MR. The extension period will end seventeen days after the date the Monthly Report was mailed to the recipient.

302.930: Failure to Return Monthly Report

If a Monthly Report is not received by the Department within seven days of its initial mailing, an additional Monthly Report will be mailed to the recipient. If a completed Monthly Report is not received within ten days of its second mailing, procedures to terminate assistance must begin.

Benefits shall not be terminated for any recipient during the month a recipient receives his/her first MR and fails to file a completed MR until the Department has investigated and documented the reason for failing to file the MR and determines that the recipient is not otherwise ineligible for assistance. If the Department determines the reason for failing to file the completed MR was because of the recipients' unresolvable inability to comprehend or complete the form, then the Department shall exempt the recipient from participation in the Monthly Reporting Program.

302.940: Reinstatement - Mandatory Component

(A) Assistance must be reinstated with no loss of benefits to a recipient who returns a completed Monthly Report after the seventeenth day of the Report Month but before the expiration of the fifteenth day of the Payment Month.

(B) Assistance must be reinstated to a recipient who returns a completed Monthly Report after the fifteenth day of the Payment Month, but before the end of the Payment Month. The effective date of reinstatement shall be the date the completed MR is received by the Department.

The recipient shall not be required to complete a new application for assistance in either situation. The grant amount shall be computed in accordance with Section 302.950.

302.950: Computing the Monthly Grant - Mandatory Component

After the AFDC recipient who is participating in the mandatory component of the Monthly Reporting Project has received assistance for one full Budget Month, his/her grant will be adjusted according to the actual income received. Earned and unearned income received in the Budget Month is reported on the MR. This income is used to compute the grant to be paid in the Payment Month. The effective date of an adjustment in a grant due to a change in income shall be the first check date of the Payment Month. Timely notice shall be sent for all grant changes in accordance with Section 302.610.

302.960: Supplemental Payments

A recipient participating in the mandatory component of the Monthly Reporting Project who experiences any loss of income shall be eligible for a Supplemental Payment if the loss results in a monthly income below the recipient's appropriate monthly payment amount as determined from the Table of Standards of Assistance (see 304.400).

Types income to be used in determining whether an assistance unit is eligible for a Supplemental Payment is the same as that used in calculating the AFDC grant (see 304.500), however the 30 1/3 disregard of earnings is not allowed in determining eligibility for a Supplemental Payment.

The recipient may only receive a Supplemental Payment for the cyclical month in which the payment was requested.

The Department must issue the Supplemental Payment to eligible recipients or an adequate notice of denial to ineligible recipients within five days of the request (see 301.510).

When a recipient notifies the Department of a continuing loss of income and applies for and is determined to be eligible for a Supplemental Payment, the Department must consider the loss of income in calculating the next month's AFDC grant.

Loss of income must be verified in accordance with Section 302.340 and Section 304.290.

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303.000: Overview of Categorical Requirements

In order to receive AFDC, an applicant or recipient must meet all of the applicable eligibility requirements. These requirements are of two types: categorical and financial.

This chapter presents the categorical requirements for AFDC eligibility under the following headings:

(A) Dependent Child, Section 303.100;

(B) Relationship and Living Arrangement, Section 303.200;

(C) Deprivation Factors, Section 303.300;

(D) Residence, Section 303.400;

(E) Citizens, Aliens, and Canadian-born Indians, Section 303.500;

(F) Social Security Number, Section 303.600; and

(G) Cooperation with Child Support Enforcement Efforts, Section 303.700.

303.100: Dependent Child

The primary categorical requirement is the presence of a dependent child. A dependent child is a child under the age of eighteen (18) or under the age of twenty-one (21) if regularly attending a secondary school in grade twelve (12) or below, or a vocational or technical training program designed to prepare him or her for gainful employment. The vocational or technical training program cannot be provided through a college or university.

303.110: Dependent Child: Pregnancy

(A) Requirements

Assistance may be authorized for an otherwise eligible pregnant woman who has no other children in the home. The deprivation requirements described in Section 303.300 must be met, as well as all financial requirements of the AFDC program. Assistance may not be authorized for the pregnant woman's spouse. The income and assets of the pregnant woman's spouse shall be considered in determining her eligibility, but his needs shall not be included. Assistance may be authorized for the month in which it has been verified that the child is expected to be born and the three (3) months preceding that month.

304.310: Requirements for Membership in the Assistance Unit

(A) The only possible members of an assistance unit are:

(1) A dependent child;

(2) One of the relatives of the child described in Section 303.210: Relationship, and his or her spouse; or

(3) A pregnant woman in accordance with Section 303.110.

No other relatives of the dependent child may be included, unless they are themselves dependent children.

(B) All persons in the assistance unit must meet the applicable categorical requirements for AFDC eligibility, regardless of whether they are children or adults. Adults are eligible only in relation to a dependent child as described in Section 303.210: Relationship and Living Arrangement.

(C) All members of the assistance unit must live in the same household, except as specified in Section 303.230: Living Arrangement.

(D) A recipient of Supplemental Security Income (SSI) may not be included in the assistance unit. However, the grantee-relative and his or her spouse may constitute an assistance unit if the only dependent child is an SSI recipient. Only they, not the child, are included in the assistance unit.

(E) A pregnant woman not living alone who is a dependent child in an assistance unit and who is under eighteen (18) may not apply as a separate assistance unit until she becomes eighteen (18) or she gives birth to a child over whom she then exercises day-to-day care. She has the right to remain in an assistance unit with her parent(s) or other grantee-relative it she chooses. If she chooses to do so, her child is also included in that assistance unit.

304.320: Optional Membership in the Assistance Unit

Except in the specified circumstances described in 304.330: Circumstances Governed by Legal Support Obligations, membership in the assistance unit is optional. The applicant or recipient must be informed of the advantages and disadvantages of the alternatives before (s)he makes a decision. While inclusion in the assistance unit confers automatic eligibility for Medical Assistance, the income and assets of any individual who chooses to be included in the unit must be considered in determining the unit's eligibility and grant amount.

(B) Verification

Pregnancy must be verified. Pregnancy is verified by a statement from a competent medical authority.

303.120: Dependent Child: Under Age 18

(A) Requirements

For a child under 18 years of age, school enrollment is not required as a condition of AFDC eligibility. A child between the ages of 16 and 18 who is not attending school, however, must be registered in the WIN program, unless exempt. See Section 303.800 for WIN requirements.

(B) Verification

(1) Age must be verified. Age is verified by a birth certificate, or a baptismal certificate. If the applicant or recipient does not have and cannot obtain a birth or baptismal certificate, age is verified by one of the following:

a. Family Bible or genealogical records;
b. Passport;
c. Hospital birth record;
d. United States Census records;
e. Social Security (RSDI) benefit records;
f. Immigration and Naturalization records; or
g. Court records (e.g., adoption, separate support, adjudication of paternity).

h. An affidavit of a third person, if the applicant or recipient has demonstrated that (s)he has tried to obtain an appropriate document. See Section 302.340(B): Affidavits.

(2) Any of the following, provided they are dated at least six months prior to the date of application and provided they contain evidence of the age of the child, are also acceptable verification:

a. School record;
b. Insurance policies;
c. Employment records;
d. Newspaper records and local histories;

e. Indian agency records;
f. Child Welfare service records;
g. Voluntary social service records;
h. Church records;
i. Head Start Program records;
j. Day Care Center records; or
k. Other governmental records.

303.130 Dependent Child: Age 18-21

For a child 18 to 21 years of age to be eligible, (s)he must be a student enrolled in and regularly attending a school, college, university or a vocational or technical training program designed to fit him or her for gainful employment.

(A) Student Status

(1) Requirements

A child 18 to 21 years of age is a student if (s)he is:

a. Enrolled in a full-time course of training or study;

b. Enrolled in a half-time course of training or study and regularly employed in or available for and actively seeking part-time employment; or

c. Enrolled in a half-time course of training or study and precluded from full-time attendance or part-time employment because of a physical handicap.

(2) Definition of Full-Time and Half-Time

a. In a trade or technical school, in a program involving shop practice, full-time is 30 clock hours per week and half-time is 15 clock hours; in a program without shop practice, full-time is 25 clock hours and half-time is 12 clock hours.

b. In a college or university, full-time is 12 semester or quarter hours and half-time is 8 semester or quarter hours.

c. In a secondary school, full-time is 25 clock hours per week or 4 carnegie units per year and half-time is 12 clock hours or 2 carnegie units.

d. In a secondary education program of cooperative training or in apprenticeship training, full-time is 30 clock hours per week.

(3) Definition of Regular Attendance

A student is considered to be regularly attending if (s)he meets the school or institution's criteria for attendance. Regular attendance is not interrupted when the student is temporarily absent for reasons accepted by the school or institution, official school or institution vacation, illness, or family emergency. The child is also considered to be regularly attending through the end of the month in which (s)he graduates.

A student who is not in attendance for the above reasons is eligible for AFDC in the months (s)he is not in attendance provided that (s)he intends to regularly attend when the reason for the absence is ended.

(4) Verification

If verification is necessary, student status is verified by a statement from the appropriate school authority that the child is currently enrolled and is fulfilling the Commonwealth's requirements for school attendance, if applicable, or the school's standards if no Commonwealth requirements are applicable.

(B) Gainful Employment

(1) Requirements

A course of study is considered to prepare a student for gainful employment if the school, institution or program is accredited or approved and the course leads to a certificate, diploma, or degree.

a. If in a primary or secondary school, the student must be in a program of supervised educational or vocational training approved by the authorities of the school district or by the Massachusetts Board of Education. The program may be part of the regular school program or one specially arranged for the individual child's educational or vocational needs.

b. If in a college or university, the college or university must be accredited or provisionally accredited by the appropriate accreditation body.

c. If in a vocational or technical training program, the program must be approved by the Massachusetts Department of Education.

(2) Verification

If verification is necessary, the accreditation or approval of the school, institution or program is verified by school or institution documents or other appropriate material.

303.200: Relationship and Living Arrangement

To be eligible, the dependent child must live with a relative responsible for his or her day-to-day care in a place of residence maintained as a home.

Assistance may not be denied either because of the conditions of the home or because the home is considered unsuitable.

303.210 Relationship

(A) Requirements

The applicant or recipient must be related to the dependent child in one of the following ways:

(1) A blood relative, including a mother, father, sister, brother, niece, nephew, aunt, uncle, or first cousin, or any of these relatives of the preceding generation as denoted by prefixes of grand, great, or great-great. (Second and third cousins are not included under this definition. Blood relatives include those of half blood.)

(2) A step-father, step-mother, step-brother or step-sister;

(3) A parent by legal adoption or any of the adopting parent's blood relatives as defined above, natural children, or adopted children; or

(4) A spouse of any person named above even if the marriage has been terminated by death or divorce.

(B) Verification

Relationship must be verified. Relationship is verified by:

(1) Birth certificate showing the name(s) of the parent(s); or

(2) For school-aged children, school records showing the address of the child and the name and relationship of the relative responsible for the child.

If neither of the above is available, or for children for whom school records are not available, relationship is verified in the same manner as age. See Section 303.120(B).

Marital relationship is verified by a license or certificate of marriage.

303.220: Establishment of Paternity

(A) Requirements

Paternity is established for purposes of AFDC eligibility when the alleged father of a child:

(1) Is legally married to the mother (or was legally married to her at the time of the conception or birth of the child);

(2) Has entered into a common-law marriage with the mother in a state or county in which the common-law marriage is valid. Common-law marriage cannot be legally entered into in Massachusetts;

(3) Has been found to be the father in adjudication by a court;

(4) Has completed a legally binding agreement acknowledging paternity and his obligation to support the child and the agreement has been signed by both the father and the mother; or

(5) Has completed a voluntary acknowledgement of paternity (Form A-35).

(B) Verification

If verification is necessary, the establishment of paternity is verified by marriage or court records or a voluntary acknowledgement of paternity, as evidenced by the applicant or recipient's signature on Form A-35.

303.230: Living Arrangement

(A) Requirements

The child and the relative are considered to be living together in the home even though either the child or the relative is temporarily absent from the home. Absences may include attendance at educational institutions or specialized schools, hospitalization, employment, visits, and similar situations of a temporary nature. A child who spends time with a second parent as a result of a shared custody agreement is not excluded from eligibility under this requirement. Regardless of a shared custody arrangement, only one of the child's natural or adoptive parents may be the eligible grantee-relative for that child at any one time.

The child is considered to be living with the relative even if the child is under the jurisdiction of the court (for example, receiving probation services or protective supervision), or legal custody is held by an agency that does not have physical possession of the child.

The child is not considered to be living with the relative if the child has been voluntarily surrendered or court committed into the care and custody of a public or licensed private agency that has physical possession the child, unless the child returns to the home of the relative for a period of more than 30 consecutive days.

(B) Verification

If verification is necessary, living arrangement is verified by school records showing the address of the child and the name of the relative who is responsible for the child. If this information is not available, living arrangement is verified by any of the following:

(1) Worker observation during a home visit;
(2) Hospital or clinical records;
(3) Public Housing Authority records;
(4) Court support orders;
(5) Signed physician's statement;
(6) Juvenile court records;
(7) Child Welfare records;
(8) Voluntary social service agency records;
(9) Head Start Program records; or
(10) Day Care Center records.

303.300: Deprivation Factors

As a condition of eligibility, the child must be deprived of the care or support of at least one parent through the death, continued absence, physical or mental incapacity, or unemployment of either parent, whether or not the parents are or were married to each other.

A deprivation factor can be established only with regard to the child's natural or adoptive parent.

The presence in the home of a "substitute parent" or "man-in-the-house" or any individual other than the parent is not an acceptable basis for a finding of ineligibility or for presuming the availability of income. Such a person may not be included in the assistance unit unless (s)he meets all applicable eligibility requirements.

303.310: Death

(A) Requirements

A child may be considered deprived of care or support on the basis of the death of either parent.

(B) Verification

Death must be verified. The preferred source of verification of death is the death certificate. If the death certificate cannot be obtained, death is verified by a signed statement from the funeral director or a newspaper death notice. If these are not available, death is verified by the following:

(1) Veterans Administration (VA) records;
(2) Hospital records;
(3) Records of other medical or long-term care institutions;

(4) Military service records;
(5) Police records; or
(6) Social Security Survivor's Benefits (RSDI).

303.320: Continued Absence

(A) Requirements

The continued absence of a parent constitutes deprivation when the absence either interrupts or terminates the parent's functioning as a provider of maintenance, physical care, or guidance of the child, and the known or indefinite duration of the absence precludes reliance on the parent's performance of this function. An absence is of a continued nature if it has lasted, or clearly can be expected to last, for a period of at least 20 days.

A child is also considered to be deprived of parental support by reason of continued absence when: (1) the parent has been convicted of an offense and is under sentence of the court; (2) the parent is complying with the sentence which requires unpaid public work or unpaid community service during working hours; and (3) the parent is permitted by the court to live at home while serving the sentence.

In all cases where deprivation is based on continued absence, except when the parent is in the home performing court ordered public service, a referral must be made to the Child Support Enforcement Unit. See Section 303.700: Cooperation with Child Support Enforcement Efforts.

(B) Verification

The continued nature of the absence must be verified. The appropriate source of verification depends on the nature of the absence.

(1) In cases of incarceration, deportation, military service, institutionalization, divorce, legal separation, annulment, orders for separate support, or where a complaint for divorce or separate support has been filed, official records are sufficient verification that the absence is of a continued nature. Acceptable official records include those from a court, correctional institution, hospital, the Immigration and Naturalization Service, and branches of the military.

(2) In cases in which spouse or child abuse has occurred and the non-abusing spouse and children have left the home, documentation of the initiation of court action is acceptable verification that the absence is likely to be of a continued nature.

(3) In all other cases, the continued nature of an absence is verified by evidence of the absent parent's residence outside the home or by written statements by persons having a professional relationship with the applicant or recipient that support his statement about the absence.

(4) If none of the verifications listed above is available, the continued nature of an absence of less than 20 days is verified when it has lasted 20 days. If such an absence does prove to be continued, the deprivation requirement is met on the first day of the absence, and AFDC is provided retroactively in accordance with Section 302.150: Date Assistance Begins.

(5) In cases where continued absence is due to a parent performing court ordered public service, documentation from the court or probation office is necessary to verify: (1) that the parent has been convicted of an offense and has been sentenced to unpaid public service; (2) that the parent is allowed to live at home; and (3) the duration of the sentence. Also, documentation from the agency that the parent is assigned to is necessary to verify that the parent is currently performing the service.

(4) If none of the verifications listed above is available, the continued nature of absence of less than 30 days is verified when it has lasted 30 days. If such an absence does prove to be continued, the deprivation requirement is met on the first day of the absence, and AFDC is provided retroactively in accordance with Section 302.150: Date Assistance Begins.

303.330: Physical or Mental Incapacity

(A) Requirements

A child is considered deprived of care or support if either parent, both of whom may be living in the home, has a physical or mental defect, illness, or impairment which substantially reduces or eliminates the parent's ability to support or care for the child. The condition must have existed, or be expected to exist, for a period of not less than 30 days.

If an incapacity has existed, or is expected to exist, for a period of six months, and when otherwise indicated, the applicant or recipient must inquire about and, where appropriate, apply for Social Security Disability Insurance (RSDI).

(B) Verification

Incapacity must be verified. Incapacity is verified by the determination of a competent medical authority, as defined in Section 301.600(F): Competent Medical Authority. The statement must be current.

If the parent is eligible for Social Security Disability Insurance (RSDI) or Supplemental Security Income (SSI) benefits on the basis of disability or blindness, evidence of this eligibility may be accepted. A termination of eligibility for these benefits does not necessarily mean that eligibility for AFDC has terminated, but does require a re-evaluation of the incapacity.

303.340: Unemployment

A dependent child is considered deprived of care or support if either natural or adoptive parent is unemployed. A parent must meet five conditions to be considered unemployed for eligibility purposes. The parent must: be unemployed or underemployed; have a work history; have

applied for Unemployment Compensation, if applicable; have not refused a bona fide job offer without good cause; and have registered for and be participating in WIN, unless exempt. If both parents are eligible under this section, they must choose which of them will be the parent whose unemployment constitutes the deprivation factor.

(A) Unemployment or Underemployment

(1) Requirements

The parent whose unemployment constitutes the deprivation factor must have been unemployed or employed for less than 100 hours per month for at least 30 days prior to receipt of AFDC. For example, a parent who has two weeks of full-time employment (80 hours) and two weeks of unemployment (0 hours) during this 30-day period meets this requirement. The date of eligibility for AFDC is the 31st day of unemployment or underemployment.

A parent meets this requirement if employed more than 100 hours if his or her work is intermittent and the excess is of a temporary nature. The excess is temporary if the parent was under the 100 hour limit for the prior two months and is expected to be under this limit during the coming month.

(2) Verification

If verification is necessary, unemployment is verified through a current unemployment registration card, unemployment compensation payment notice, lay-off notice, or letter of dismissal.

If verification is necessary, the number of hours worked is verified by pay stubs or by a statement from the employer or former employer.

(B) Work History

(1) Requirements

The parent meets the work history requirement if (s)he:

a. Has six or more quarters of work in which (s)he received earnings of not less than $50.00 in each quarter, or participated in a community work and training program or under the Work Incentive Program, in a 13 calendar-quarter

period ending within one year prior to the application for AFDC; or

b. Received UC under an Unemployment Compensation law of any state or of the United States at some time during the year prior to application for AFDC; or

c. Was qualified to receive UC under a UC law of any state or of the United States at some time during the year prior to application for AFDC but did not apply for UC; or

d. Performed work not covered by UC, which if covered would have created eligibility for UC within one year prior to the application for AFDC.

NOTE: A "quarter of work" means a period of three (3) consecutive calendar months ending on March 31, June 30, September 30, or December 31.

(2) Verification

If verification is necessary, a parent's work history is verified by present pay stubs, a statement from a former employer(s), documents from a work or training program, or documents from an unemployment agency.

(C) Unemployment Compensation

(1) Requirements

The parent must have applied for any Unemployment Compensation to which (s)he may be entitled.

(2) Verification

If verification is necessary, application for Unemployment Compensation is verified by documents of the Division of Employment Security.

(D) Bona Fide Offer and Good Cause

(1) Requirements

A parent may not have refused a bona fide offer of employment or training for employment without good cause within the 30-day period prior to the first date of AFDC eligibility.

Good Cause is present when:

a. The offer was made at a wage level below an applicable minimum wage requirement and below the customary wage for such work in the community;

b. The applicant or recipient was physically unable to engage in such employment or no means of transportation to and from the place of employment was available; or

c. The working conditions were not adequate to ensure health or safety, or there was a lack of Worker's Compensation protection.

(2) Verification

In the case of offers made through the Division of Employment Security or manpower agencies, the determination of whether the offer was bona fide or whether there was good cause for rejecting it must made by the DES worker.

In the case of offers made directly by an employer, the determination of whether the offer was bona fide or whether there was good cause for rejecting it must be made by the AFDC worker.

If verification is necessary, that the offer was actually made is verified by contacting the employer.

(E) WIN Registration

(1) Requirements

The parent must have registered for WIN, unless determined to be exempt under Section 303.810: Determination of WIN Status.

(2) Verification

WIN registration must be verified for all mandatory registrants. The WIN Referral and Registration Form (WIN-1), signed by the DES/WIN worker and the applicant or recipient and filed in the case record is verification of registration.

CATEGORICAL ELIGIBILITY

THE ELIGIBILITY PROCESS

303.400: Residence

(A) Requirements

(1) To be eligible for AFDC, an applicant or recipient must meet one of two residency requirements:

a. The child and the relative are living in the Commonwealth voluntarily with the intention of making their home there, and not for a temporary purpose; or

b. The child and relative are living in the Commonwealth temporarily, are not receiving assistance in another state, and the reason for entering the Commonwealth was to fulfill a job commitment or seek employment.

An applicant or recipient who is a patient in a mental institution, an inmate of a penal or other public institution, or leaves the United States, its territories or possessions, does not meet either of the above residency requirements.

(2) Under Section (A)(1)(a) above, the primary determination of residency is intent. The applicant or recipient meets the requirements if (s)he has no present intent of leaving the Commonwealth, although (s)he need not intend to remain in Massachusetts permanently.

(3) Under Section (A)(1)(b) above, the primary determination of residency is the purpose for which the relative entered the Commonwealth. An applicant or recipient entering or residing in Massachusetts for a temporary purpose other than fulfilling a job commitment for temporary work or seeking such work, and who plans to leave the Commonwealth upon completion of this purpose does not meet the AFDC residency requirement.

(4) There is no durational requirement for establishing residency. An applicant or recipient who meets either of the above residency requirements may be considered a resident immediately upon entry. Residency, once established, is retained until abandoned.

(B) Verification

If verification is necessary, the method of verification of residence

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a. The child and the relative are living in the Commonwealth voluntarily with the intention of making their home there, and not for a temporary purpose; or

b. The child and relative are living in the Commonwealth temporarily, are not receiving assistance in another state, and the reason for entering the Commonwealth was to fulfill a job commitment or seek employment.

An applicant or recipient who is a patient in a mental institution, an inmate of a penal or other public institution, or leaves the United States, its territories or possessions, does not meet either of the above residency requirements.

(2) Under Section (A)(1)(a) above, the primary determination of residency is intent. The applicant or recipient meets the requirements if (s)he has no present intent of leaving the Commonwealth, although (s)he need not intend to remain in Massachusetts permanently.

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(4) There is no durational requirement for establishing residency. An applicant or recipient who meets either of the above residency requirements may be considered a resident immediately upon entry. Residency, once established, is retained until abandoned.

(B) Verification

If verification is necessary, the method of verification of residence

depends on the residency requirement the applicant or recipient claims to have met.

(1) If (s)he claims intent to make his or her home in the Commonwealth, residence is verified by one of the following:

a. A signed statement from a landlord unrelated to the applicant or recipient;

b. A deed or other evidence of ownership of the property used as the home;

c. Postal service records;

d. Church or religious institution records;

e. Utility company records;

f. Voter registration records;

g. Motor vehicle license or registration; or

h. Employment records;

(2) If the applicant or recipient claims that (s)he is living in the Commonwealth, is not receiving assistance from another state, and entered the Commonwealth with a job commitment or is seeking employment in the Commonwealth, residence is verified by:

a. A signed statement from the employer making the job commitment; or,

b. A current employment registration card.

303.410: Temporary Absence

(A) Requirements

Temporary absences from the Commonwealth, with subsequent returns to the Commonwealth, or intent to return when the purposes of the absence may have been accomplished, do not interrupt continuity of residence. Temporary absences include those for such reasons as health, business, school, or family commitments.

(B) Verification

The temporary nature of an absence of more than 90 days must be verified. The temporary nature of an absence of less than 90 days may be verified, if necessary (see Section 302.300: Verification). Evidence of the temporary nature of an absence includes medical documentation, a short-term business contract, or school documents. Evidence to substantiate intent to retain residency includes rent receipts or school enrollment records.

303.500: Citizens, Aliens, and Canadian-born Indians

To be eligible for assistance, the applicant or recipient must be either a citizen of the United States, an alien lawfully admitted for permanent residence or permanently residing in the United States under color of law, or an American Indian born in Canada.

If the child meets any of these conditions, (s)he may be eligible even though one or more of his or her relatives may not. When a relative is ineligible for assistance because of his or her alien status, (s)he must be excluded from the assistance unit but may be the grantee-relative for those children who do meet the requirements. An ineligible relative or child may, under certain circumstances, be eligible for General Relief assistance.

303.510: Citizens

(A) Requirements

A person who is a U.S. citizen meets the requirement of Section 303.500.

(B) Verification

If verification is necessary, citizenship is verified by the sources listed in Section 303.120: Dependent Child: Under Age 18 that indicate place of birth and nationality of parents.

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For a person born outside of the United States, citizenship is verified by one of the following:

(1) U.S. passport;

(2) Naturalization certificate;

(3) Military service papers;

(4) U.S. Citizen Identity Card (Form I-179); or

(5) U.S. Citizen Resident's Card (Form I-197).

303.520: Aliens

(A) Requirements

An individual who is not a citizen may be eligible for assistance if (s)he:

(1) Has been lawfully admitted for permanent residence; or

(2) Is permanently residing in the United States under color of law.

Aliens lawfully admitted for a temporary purpose, such as students, are not eligible.

(B) Verification

The status of an alien must be verified.

(1) The status of a person lawfully admitted for permanent residence is verified by:

a. An "Alien Registration Receipt Card" (INS-1-151), commonly referred to as a "Green Card"; or

b. A "Re-entry Permit" used for travel purposes by persons who have been issued the INS-1-151.

(2) The status of a person permanently residing under color of law is verified by:

a. An "Arrival-Departure Record" (INS Form 1-94) stamped "Refugee-Conditional Entry";

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b. An "Arrival-Departure Record" (INS Form I-94) stamped "Paroled Indefinitely" pursuant to Section 212(d)(5) of the INA. (A Form I-94 endorsed to show parole for a specified period is not acceptable with the sole exception of those individuals indicated in (e) below);

c. Evidence of continuous residence since June 30, 1948, such as rent receipts, library cards, bank accounts, insurance policies, church membership, or affidavit of a third person;

d. Evidence from INS documenting a grant of indefinite voluntary departure or an indefinite stay of deportation; or

e. An "Arrival-Departure Record" (INS Form I-94) stamped "CUBAN/HAITIAN ENTRANT (STATUS PENDING) REVIEWABLE JANUARY 15, 1981. EMPLOYMENT AUTHORIZED UNTIL JANUARY 15, 1981."

303.530: American Indian Born in Canada

(A) Requirements

A person with at least 50 per centum of Indian blood who was born in Canada and who has maintained residence in the United States since his or her entry must be regarded as having been lawfully admitted for permanent residence.

Persons with less than 50 per centum of Indian blood must satisfy the requirements of Section 303.520: Aliens.

(B) Verifications

This status must be verified. Canadian-born Indian status is verified by one of the following:

(1) A "band card" issued by the band council of a Canadian Indian reserve;

(2) Birth or baptism records;

(3) A provincial Union of Indians card (such as a Union of Nova Scotia Indians card); or

(4) An affidavit from a tribal official or other person knowledgeable about the applicant's or recipient's family ancestry.

303.540: Decision of Alien to Apply for Assistance

An alien who does not have Immigrant status must be informed that receipt of public assistance may result in an adverse decision by INS when the person is eligible to apply for a change of status to permanently admitted alien. It is important that an individual fully understand the

implications of his or her immigration status before deciding whether or not to apply for or to receive public assistance.

303.550: Disclosure of Information to INS

The worker is prohibited from disclosing information regarding persons on AFDC without their consent except for purposes directly connected with the administration of the program. Therefore, the worker may not furnish information to INS about an applicant or recipient who has been determined to be an Illegal Entrant. Also, there is no basis for diclosure to INS that a legally admitted alien has or has not received AFDC benefits. The alien may request information from his or her own record and make a voluntary disclosure to INS.

303.600: Social Security Number (SSN)

As a condition of eligibility, each applicant or recipient must furnish a Social Security number for each person for whom assistance is requested or received. If a number has not been issued, or is not known, the applicant or recipient must apply for one, show proof of the application, and furnish the number to the Department when it is received.

Assistance may not be denied, delayed, or decreased pending the issuance or verification of a Social Security number if the applicant or recipient has complied with the requirements for obtaining the number.

If the applicant or recipient does not furnish a Social Security number or apply for a number, (s)he must be excluded from the assistance unit. The applicant or recipient may, however, be the grantee-relative for those children for whom a Social Security number has been furnished or an application initiated.

303.610: Referral for SSN Application

(A) Requirements

If the applicant or recipient cannot provide the necessary Social Security number(s) either because they have never been assigned or because the applicant or recipient no longer has the Social Security card(s), the worker must assist the applicant or recipient in making application by referring him or her to the nearest Social Security Office.

(B) Verification

Application for a Social Security number must be verified. Such application is verified by the signature of a Social Security Administration employee on the Enum-2 form or by other verification from the Social Security Administration attesting that application has been made. When the number is received, it must be documented in the case record.

If two or more numbers are submitted for one person, only one number can be validated.

303.700: Cooperation with Child Support Enforcement Efforts

(A) As a condition of eligibility, each applicant or recipient must:

(1) Assign to the Department any rights that the applicant or recipient may have to child support from any other person; and

(2) Cooperate in establishing paternity, locating absent parents, and obtaining support, unless good cause for refusing to cooperate is determined to exist.

(B) If the applicant or recipient fails to comply with the requirements of this section, (s)he must be removed from the assistance unit. Any aid for which the remaining members of the assistance unit are eligible must be provided in the form of vendor payments, to the extent possible.

303.710: Assignment of Right to Support

(A) Requirements

The applicant or recipient must assign to the Department any rights to child support and medical insurance benefits that (s)he may have. The assignment of support rights applies to any rights in the applicant or recipient's own behalf or for any family member for whom the applicant or recipient is applying or receiving assistance, and for any rights which have accrued at the time the assignment is executed.

Failure or refusal of the applicant or recipient to assign his or her support rights does not abrogate the right of the Department to collect support for the amount of assistance rendered.

(B) Verification

The assignment of rights is made by completing the Assignment of Support Rights Form (A-34).

An applicant or recipient who refuses to sign Form A-34 is ineligible to receive assistance for his or her own needs. Assistance to eligible members of the assistance unit must be made by vendor payment, to the extent possible.

303.720: Cooperation in Obtaining Support

(A) Requirements

(1) Unless good cause for refusing to cooperate is determined to exist, the applicant or recipient must cooperate in:

a. Identifying and locating the parent of a child for whom aid is claimed;

b. Establishing the paternity of a child born out of wedlock for whom aid is claimed;

c. Obtaining support payments for the applicant or recipient or for a child for whom aid is claimed; and

d. Obtaining any other payments due the applicant or recipient or the child, including rights to medical insurance under policies maintained by the absent parent.

(2) Actual enforcement efforts are made by the Child Support Enforcement Unit (CSEU). Cooperation with the CSEU includes, but is not limited to, any of the following actions that are relevant to, or necessary for, the achievement of the objectives listed above:

a. Appearing at the WSO or CSAO as necessary to provide oral or written information obtainable by the applicant or recipient;

b. Appearing as a witness at judicial or other hearings or proceedings;

c. Providing information, or attesting to the lack of information, under penalty of perjury; and

d. Paying to the CSEU any child support payments received from the absent parent after an assignment of rights has been made.

(3) The applicant or recipient must be given the opportunity and advised in writing of the right to claim good cause for refusal to cooperate and must be given written notice of all the requirements applicable to a good cause determination.

If the applicant or recipient claims that (s)he has good cause for refusing to cooperate, no steps may be taken by the CSEU worker to pursue the absent parent until a final decision is made on the claim.

(B) Verification

Notification of the requirements for cooperation and of the right to claim good cause is made by completing the Notice Regarding the Child Support Enforcement Program Form (A-36), and having its receipt acknowledged by the applicant or recipient's signature in triplicate on the form, as witnessed by the worker. A copy of this form in the case record is verification that this notification has been made.

The lack of notification from the CSEU that the applicant or recipient has refused to cooperate is adequate verification that the requirements of cooperation have been met.

If the CSEU worker claims that cooperation has not been forthcoming, the AFDC worker must make the final decision regarding failure to cooperate.

303.721: Benefits of Cooperation in Obtaining Support

The benefits to be obtained for the child, the applicant or recipient and the Commonwealth in identifying and locating the absent parent, and establishing the paternity of the child, include:

(A) Preserving the child's right to receive Social Security benefits with respect to the absent parent's earnings;

(B) Preserving the child's legal right to inherit from his or her natural parent;

(C) Preserving the child's right to know the identity of his or her natural parent; and

(D) Placing the financial burden of supporting the child upon the absent parent, the person legally responsible for his or her support, while at the same time reducing the cost of the AFDC Program.

303.730: Establishment of Good Cause

(A) Requirements

(1) The burden of producing evidence to establish good cause for refusal to cooperate is upon the applicant or recipient; however, the applicant or recipient may request the assistance of the AFDC worker in obtaining evidence. It is the responsibility of the applicant or recipient to:

a. Specify the circumstances with regard to which good cause is claimed; and

b. Provide corroborative evidence substantiating the good cause claim.

(2) It is the responsibility of the AFDC worker to determine:

a. Whether an applicant or recipient has good cause for refusing to provide the cooperation otherwise required; and

b. Whether child support enforcement could proceed without risk of harm to the child if the enforcement or collection activities did not involve the cooperation or participation of the relative or the child.

303.731: Grounds for Good Cause

Good cause is present if at least one of the following circumstances exists and because of that circumstance proceedings to establish paternity or secure support would be against the best interests of the child (see 303.732: Circumstances Under Which Cooperation May Be Against the Best Interests of the Child).

(1) The child was conceived as a result of incest or forcible rape;

(2) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction; or

(3) The applicant or recipient is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or relinquish him or her for adoption, and discussions have not lasted for more than three months.

303.732: Circumstances Under Which Cooperation May Be Against the Best Interests of the Child

(A) Requirements

(1) Cooperation in establishing paternity and securing support is against the best interests of the child only if the applicant's or recipient's cooperation is reasonably anticipated to result in:

a. Physical harm of a serious nature to the child for whom support is sought, or to the relative with whom the child is living, which would reduce his or her capacity to care for the child adequately; or

b. An emotional impairment that substantially affects the functioning of the child for whom support is sought, or of the relative with whom the child is living, and which would reduce his or her capacity to care for the child adequately.

(2) For every good cause determination which is based in whole or in part upon anticipation of emotional harm to the child or relative, the AFDC worker must consider the following:

a. The present emotional state of the individual subject to emotional harm;

b. The emotional health history of the individual subject to emotional harm;

c. The intensity and probable duration of the emotional upset;

d. The degree of cooperation to be required; and

e. The extent of involvement of the child in the paternity establishment or support enforcement activity to be undertaken.

(B) Verification

(1) A claim of good cause may be supported without further investigation if one of the following types of evidence is provided:

a. Birth certificate or medical or law enforcement records which indicate that a child was conceived as the result of incest or forcible rape;

b. Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;

c. Court, medical, criminal, child protective services, social service, psychological, or law enforcement records which indicate that the putative or absent parent might inflict physical or emotional harm on the child or relative;

d. Medical records regarding the emotional health history and present emotional health status of the relative of the child for whom support would be sought which indicate that emotional harm would result from cooperation, or written statements from a mental health professional indicating such results; or

e. A written statement from a public or licensed private social agency that the applicant or recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish it for adoption.

When none of the items listed above is present or conclusive, the following may support a claim of good cause:

f. Sworn statements from individuals other than the applicant or recipient with knowledge of the circumstances, which provide the basis for the claim of good cause; or

g. Sworn statements from the applicant or recipient and at least one other witness which set forth the affiants' knowledge of the circumstances. Such statements may be made orally and reduced to writing by the AFDC or CSEU worker.

303.733: Investigation of Good Cause

When the AFDC worker determines that the evidence does not satisfactorily support a claim of good cause, (s)he must refer the case to the CSEU worker.

The CSEU worker may conduct an investigation. However, (s)he will not contact the absent parent unless such contact is determined to be necessary to establish the good cause claim.

In all cases where the CSEU worker has determined that contact is necessary, the AFDC worker must notify the applicant or recipient of the determination prior to such contact to enable the individual to:

(A) Present additional evidence or information so that contact with the absent parent becomes unnecessary;

(B) Withdraw the application for assistance;

(C) Have the case closed; or

(D) Appeal the determination.

303.734: Final Determination of Good Cause

(A) Requirements

(1) After considering the evidence provided by the applicant or recipient, the CSEU worker's report and recommendation, or both, the worker must make a determination of:

a. Whether or not the applicant or recipient has good cause for refusing to cooperate; and

b. Whether or not child support enforcement can proceed without risk of harm to the child or the relative if the activities do no involve their participation.

(2) The determination must be made within 30 days of the good cause claim, except where the worker has documented that extra time is needed to secure additional evidence, or that the claimant did not provide the necessary evidence within that time limit.

(3) The determination must:

a. Contain, in written form, the AFDC worker's findings and the basis for the determination;

b. Be reviewed and approved by the supervisor; and

c. Be made a part of the case record.

The CSEU worker must have an opportunity to review and comment on the AFDC worker's findings and basis for the proposed good cause exception determination.

(4) If the worker finds that good cause does not exist, the applicant or recipient must be notified and afforded an opportunity to cooperate or withdraw the request for assistance. If the applicant or recipient neither cooperates nor withdraws the request, (s)he must be removed from the assistance unit and vendor payments must be instituted, to the extent possible. The applicant or recipient retains the right to appeal such action.

(5) If the worker finds that good cause exists, but determines that the Child Support Enforcement Unit may proceed to establish paternity or enforce support, the applicant or recipient must be afforded the opportunity to withdraw the request for assistance, or to appeal the determination.

(B) Verification

The approved written finding of good cause, or lack of good cause when in the case record is verification that a final determination of good cause has been made.

303.735: Assistance Pending Determination of Good Cause

Assistance must not be denied, delayed, or discontinued pending a determination of good cause if the applicant or recipient has provided evidence of at least one of the circumstances listed in Sections 303.731 and 303.732 or sufficient information (such as the name and address of the putative or absent parent) to permit an investigation by the CSEU worker to determine the existence of any of these circumstances.

303.736: Periodic Review of Good Cause

The AFDC worker must review at each redetermination, or whenever information is obtained which indicates a need to reconsider eligibility, all cases in which a finding of good cause has been made. If the AFDC worker determines that circumstances have changed such that good cause no longer exists, (s)he must rescind the findings and proceed to enforce the requirement.

303.740: Child Support Enforcement Unit Activities

It is the responsibility of the CSEU to attempt to locate absent parents and obtain current support obligations and any arrearages from parents who are delinquent in meeting such obligations. The following activities may be engaged in by the CSEU in its attempt to collect support:

(A) When there is an outstanding probate court order which is not being complied with, the CSEU worker may institute contempt proceedings in the probate court where the original action took place.

(B) When there is an outstanding district court order, the CSEU may notify the appropriate probation department requesting enforcement thereof.

(C) When there is no court order for support, the CSEU may try to locate the absent parent and negotiate a legally binding agreement. If this is not possible, the CSEU may establish the support obligation through court order by filing a complaint in the district court or, when appropriate, the probate court.

303.800: Participation in the WIN Program

As a condition of eligibility all applicants and recipients included in the assistance unit must register and participate in the Work Incentive Program (WIN) unless determined to be exempt.

303.810: Determination of WIN Status

(A) Requirements

Every person included in the assistance unit is a mandatory participant and must register for WIN unless determined to be exempt. A person determined to be exempt may register as a voluntary participant. A voluntary registration may be withdrawn at any time without loss of AFDC benefits, provided that the person's exempt status has not changed.

WIN status shall be determined by the AFDC worker. The following individuals are exempt from WIN registration:

(1) A dependent child under 16 years of age;

(2) A dependent child at least 16 but under 21 years of age and attending secondary school, vocational or technical school which is equivalent to a secondary school, on a full-time basis;

(3) A person 65 years of age or older;

(4) A person who is temporarily ill;

(5) A person who is physically or mentally incapacitated;

(6) A caretaker whose presence is required in the home on a continuous basis to provide the necessary care to a physically or mentally impaired member of the household, when no other appropriate member of the household is available to provide such care;

(For the purpose of this subsection, "household" consists of any individual living in the home who is related to the dependent child in accordance with the provisions of section 303.210(A).

(7) A parent, or other grantee-relative of a child under the age of 6, who personally provides full-time care of the child with only very brief and infrequent absences from the child;

(8) A parent, or other grantee-relative of a child deprived of parental support or care by reason of the death; continued absence from the home; or physical or mental incapacity of a parent, if another adult relative in the home is registered and has not failed or refused without Good Cause, as defined in accordance with section 303.890, to participate in the program or failed without Good Cause to accept and maintain employment;

(9) A pregnant woman;

(10) A parent or other grantee-relative of a child when a non-exempt parent, or other adult relative in the home is registered.

(11) A person who is working not less than 30 hours per week in unsubsidized employment expected to last a minimum of 30 days. An individual who has a temporary break in employment not expected to exceed ten (10) business days shall continue to be exempt. Individuals in seasonal employment may be exempt in any month in which they meet these criteria;

Self-employed individuals claiming exemption under subsection (11) shall demonstrate that they are working not less than 30 hours per week at their place of business and shall demonstrate that there is a reasonable expectation that the self-employment will produce earned income;

(12) A parent who has been convicted of an offense; is under sentence of the court to perform unpaid work or community service and is permitted to live at home while serving the sentence.

All applicants and recipients shall be notified of their WIN status, the rights and responsibilities associated with this status, and the right to a fair hearing if the determination is disputed. An individual may register for WIN and preserve the right to appeal a non-exempt determination.

(B) Verification

(1) The verifications of age and school attendance is mandatory and shall be in accordance with section 303.120 and 303.130, respectively. School attendance for purposes of a WIN exemption is required at age 16 whereas school attendance for AFDC eligibility does not become mandatory until age 18.

(2) The verification of temporary illness is mandatory and shall require a written statement by a licensed, competent, medical authority that certifies that the illness temporarily prevents participation in employment or training activities. An exemption on the basis of temporary illness is limited to 90-days.

(3) The verification of incapacity is mandatory and shall require a written statement by a licensed, competent, medical authority that certifies that a physical or mental impairment prevents the individual from participation in employment or training activities, and the impairment is expected to exist for a continuous period of 90-days or more. Individuals certified as incapacitated for purposes of establishing deprivation are automatically exempt. Individuals who are exempt on the basis of incapacity shall be referred to the Massachusetts Rehabilitation Commission.

(4) When an individual is required in the home to care for a member of the family who is ill or incapacitated, the fact that the ill or incapicitated person requires such assistance must be supported by a written statement by a licensed, competent, medical authority, as defined in accordance with section 301.600(F).

(5) The verification that a parent, who has been convicted of an offense, is under sentence of the court to perform unpaid work or community service and is permitted to live at home while serving the sentence is mandatory and shall be in accordance with section 303.320(B)(5).

(C) Temporary Exemption

An applicant or recipient who contests an exemption determination on the basis of a claim of incapacity or illness must be designated as temporarily exempt for a maximum of 30 days while awaiting medical certification. If such certification is not provided within 30 days, the applicant or recipient must register for WIN.

A parent whose unemployment qualifies the family for AFDC is not eligible for a temporary exemption.

303.820: Referral to WIN Office

(A) Requirements

Each person who is determined to be a mandatory participant, and those persons wishing to participate on a voluntary basis, must be referred by the worker to the nearest DES/WIN office for registration. Refusal to register may result in a denial or reduction of assistance (see Section 303.830(C)).

(B) Verification

The referral to the WIN office is made on the WIN Referral and Registration Form (WIN-1). A copy placed in the case record is verification that the applicant or recipient has been referred.

303.830: Registration

(A) Requirements

It is the responsibility of the DES/WIN worker to register all persons referred by the AFDC worker and to notify the AFDC worker when and if regis tration has been completed.

If the DES/WIN worker finds evidence that a person referred as a mandatory registrant should be given exempt status, (s)he may request a review of the status by the AFDC worker. The determination of the AFDC worker is binding. If the AFDC worker has not made a determination within 30 days of the request, the exemption is considered to be verified and the DES/WIN worker must deregister the person as exempt.

(B) Verification

WIN registration must be verified for all mandatory registrants. The Referral and Registration Form (WIN-1) signed by the DES/WIN worker and the applicant or recipient, and filed in the case record is verification of registration.

(C) Consequences of Refusal to Register

The following are the consequences of a refusal by a mandatory participant to register for WIN:

(1) If the individual who refuses to register is the only parent whose unemployment qualifies the assistance unit for AFDC, the unit is ineligible for AFDC.

(2) If both parents meet the unemployment criteria that qualify the assistance unit for AFDC, and one refuses to register and is not exempt, the other parent becomes the qualifying unemployed parent and must register for WIN unless exempt. The parent who refused to register is not included in the assistance unit. If both parents refuse to register, the assistance unit is ineligible for AFDC.

(3) If the individual who refuses to register is the only dependent child in the assistance unit, the assistance unit is not eligible.

(4) In all other instances, the individual who refuses to register is not included in the assistance unit.

When the mandatory registrant who refuses to register is an applicant for AFDC, the worker must inform him or her that it is possible to register to meet the AFDC eligibility requirements and simultaneously appeal the mandatory status determination.

When the mandatory registrant who refuses to register is a recipient of AFDC, the worker must give proper prior notification of the intent to reduce the grant or close the case and of the right of appeal.

303.840: Appraisal and Certification

(A) Appraisal

The DES/WIN worker and the WSS worker conduct appraisal interviews of selected WIN registrants. The purpose of the interview is to determine the registrant's potential for employment and his or her need for WIN social services. As a result of this interview, an employability plan is developed for the WIN registrant.

A mandatory registrant who, after being given reasonable opportunity, fails to report to DES/WIN for an appraisal interview, may be deregistered from WIN and sanctioned (see 303.850 and 303.860).

(B) Certification

Certification is written notice from the WSS worker to DES/WIN that necessary WIN social services have been arranged, or are available, or that no social services are needed, and the WIN registrant is ready for training or employment.

Social services are provided or arranged by the WSS worker. Social services include child care, employment-related counseling, family planning, home and health services necessary for employment or training which are not otherwise available.

303.850: Deregistration

Deregistration is the removal of an individual from the WIN program. Deregistration is the responsibility of the DES/WIN worker.

(A) A deregistration is required when:

(1) An individual's status changes from mandatory to exempt and (s)he does not volunteer for WIN;

(2) An individual becomes ineligible for AFDC and is not participating in a component of the WIN program or receiving WIN-funded supportive services;

(3) An individual is determined to have failed or refused to participate in the WIN program without good cause and has been sanctioned, that is, determined to be ineligible for AFDC benefits for a specified length of time (see 303.860: Failure to Participate in WIN);

(4) A voluntary registrant becomes employed or successfully completes the program but remains eligible for AFDC; and

(5) A voluntary registrant withdraws from the program, or is found to refuse to participate after being notified and receiving an adverse hearing decision, if a hearing is requested.

(B) The AFDC worker must notify the DES/WIN worker of any changes in an individual's status which require a deregistration. The DES/WIN worker must make the deregistration and any determination of good cause and notify the AFDC worker of the deregistration.

303.860: Failure to Participate in WIN

(A) Conciliation

When a mandatory registrant fails or refuses to participate in WIN, the DES/WIN worker must make an effort to bring about a conciliatory resolution of any disputes concerning WIN participation.

A registrant may not be deregistered unless (s)he has first been through the conciliation process.

Conciliation is considered successful if the registrant indicates a genuine willingness to participate in WIN. The conciliatory period may continue for 30 days but may be terminated sooner by DES/WIN when it is apparent that the effort is unsuccessful.

(B) Notice of Intent to Deregister

Immediately after the conciliation period has ended, or if the dispute remains unresolved after 30 days, DES/WIN must give written notice to the registrant of intent to deregister stating:

(1) The reasons for the intended deregistration;

(2) The determined date of first failure or refusal to participate in the WIN program without good cause, and the consequent length of the sanction period, where appropriate;

(3) The right to a hearing if the registrant believes the proposed action is incorrect, or the length of the sanction period is incorrect, or both; and

(4) A warning that deregistration will result in a reduction or loss of the AFDC grant.

(C) Counseling

The SAU worker must provide counseling for a certified registrant who has refused to participate in the WIN program without good cause. The purpose of counseling is to persuade the registrant to participate in the WIN program.

Counseling may continue for a period of up to 60 days but may be terminated earlier if the SAU worker has determined that counseling efforts are unsuccessful. The SAU worker must notify the registrant of the right to a hearing if counseling is terminated before the end of the 60-day period.

Failure of the registrant to keep two counseling appointments may be considered good cause to terminate counseling.

An individual participating in counseling may not be sanctioned until the termination of the counseling period. However, if (s)he is the grantee-relative, assistance will be provided to the assistance unit in the form of vendor payments, to the extent possible.

303.870: Sanctions

An individual who is a mandatory WIN registrant and who has been deregistered for failure or refusal to participate in the WIN program without good cause must be sanctioned.

(A) Length of Sanction Period

When a mandatory WIN registrant has been found to have failed or refused without good cause to participate in the WIN program, the sanctions described below will apply for as long as the registrant fails or refuses to participate. Determination of the length of the sanction period is the responsibility of DES/WIN.

(3) The right to a hearing if the registrant believes the proposed action is incorrect, or the length of the sanction period is incorrect, or both; and

(4) A warning that deregistration will result in a reduction or loss of the AFDC grant.

303.870: Sanctions

An individual who is a mandatory WIN registrant and who has been deregistered for failure or refusal to participate in the WIN program without good cause must be sanctioned.

(A) Length of Sanction Period

When a mandatory WIN registrant has been found to have failed or refused without good cause to participate in the WIN program, the sanctions described below will apply for as long as the registrant fails or refuses to participate. Determination of the length of the sanction period is the responsibility of DES/WIN.

The period of sanction resulting from a failure or refusal to participate without good cause is measured by the length of time that elapsed from the date of the registrant's first failure or refusal to participate in the WIN program to the date of the WIN sponsor's issuance of the Notice of Intended Deregistration, except that, if the Notice of Intended Deregistration is not sent within 2 business days of termination of conciliation, the sanction period is determined by the length of time that elapsed from the date of first failure or refusal to participate to the last date the registrant failed or refused to participate in WIN.

(B) Nature of the Sanction

The following are the sanctions that apply when a mandatory registrant has been deregistered for failure or refusal to participate in WIN without good cause:

(1) If the deregistered individual is the only parent whose unemployment qualifies the assistance unit in AFDC, or the only dependent child, AFDC is terminated for the entire assistance unit.

(2) If the deregistered individual is not the only parent whose unemployment qualifies the assistance unit for AFDC, the other parent must register for WIN, unless exempt, and the deregistered individual must be removed from the assistance unit.

(3) If the deregistered individual is not one of those listed above, (s)he must be removed from the assistance unit. If (s)he is the grantee-relative, the remaining assistance must be provided in the form of vendor payments, to the extent possible.

(C) WIN Re-registration and Restoration of AFDC Benefits

At the end of the sanction period the individual may request restoration of AFDC benefits.

To restore eligibility for AFDC, the individual must re-register for WIN and give evidence to DES/WIN of willingness to participate in the WIN program.

If the individual is determined to be eligible, the grant must be increased or restored retroactive to the end of the sanction period, provided the individual applies for AFDC benefits within five (5) working days of the end of the sanction period. Otherwise, assistance must be retroactive to the date of reapplication for AFDC.

303.880: Reports of Job Offers

Applicants or recipients who are mandatory registrants for WIN must report to the AFDC worker information with respect to any jobs to which they have been referred. This includes DES referrals and referrals from any other source.

303.890: WIN-Related Fair Hearings

The Department handles all requests for fair hearings concerning a determination of non-exempt status, a denial or reduction of AFDC benefits because of refusal to register for WIN or deregistration from WIN, or a proposed termination or reduction of WIN Social Services. See 343.245: Fair Hearing Rules.

The DES/WIN adjudication system handles all requests for fair hearings on WIN program issues. WIN program issues include failure or refusal to appear for appraisal, assignment to a WIN component, unresolved WIN grievances, failure or refusal without good cause to accept employment or otherwise participate in the WIN program, and determination of the length of the sanction period.

SECTION

304.XXX

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304.000: Overview of Financial Eligibility

In order to receive AFDC, an applicant or recipient must meet financial eligibility requirements as well as the requirements specified in Chapter 303: Categorical Requirements.

An applicant or recipient meets the financial eligibility requirements if he has assets and income at or below levels specified by the Department. The purpose of this chapter is to show how financial eligibility is established. The topics covered are:

(A) Assets, Section 304.100;

(B) Income, Section 304.200;

(C) Membership in the Assistance Unit, Section 304.300;

(D) Standards of Eligibility and Assistance, Sections 304.400 and 304.410;

(E) Calculation of the Grant Amount, Section 304.500; and

(F) Payment of Grants, Section 304.600.

304.010: General Requirements for Financial Eligibility

There are two major elements in the determination of financial eligibility: an assets test and an income test. In order to be eligible for AFDC the combined assets and the combined income available to all the individuals for whom assistance is requested or received may not be above the limits specified by the Department. Only assets and income that are actually and currently available are to be considered in determining financial eligibility.

The specific requirements of the test of financial eligibility are discussed in the following sections:

(A) Section 304.300: Membership in the Assistance Unit, provides the requirements for determining who is in the assistance unit and whose assets and income are to be tested.

(B) Section 304.100: Assets, provides the requirements for determining how the unit's assets are to be counted in the eligibility test.

(C) Section 304.200: Income, provides the requirements for determining how the unit's income is to be counted in the eligibility test.

(D) Section 304.400: Eligibility Standards and Section 304.410: Standards of Assistance, provide the standards to which the unit's income is compared in the income eligibility test.

The remaining sections provide the requirements for calculating and paying the grant once eligibility has been established.

304.081: Standard Budget Introduction

The Standard Budget outlines the items included in computing the needs of the family. A description of each item, together with the Guide for Income-In-Kind which reflects the amount allowed for each item, constitutes the Standard Budget.

Standard needs are the items of the Standard Budget which are included in the Consolidated Grant Tables. These items are essential for the maintenance of individuals and families.

304.082: Standard Budget Needs

The items included in the AFDC Standard Budget are: food, rent or carrying charges, fuel and utilities, household supplies and replacements, clothing and personal care. These items are included in the Consolidated Grant Tables and represent the total standard allowance for each size family.

304.083: Food

The allowance for this item is based on the size of a family.

304.084: Rent or Carrying Charges

Rent or carrying charges in lieu of rent may be allowed.

304.085: Fuel and Utilities

The amounts for fuel and heating, cooking, light and refrigeration are those determined by the Department for an average household.

304.086: Household Supplies and Replacements

This item provides for cleaning and housekeeping supplies and replacement of household equipment such as dishes and linens.

304.087: Clothing

The amounts allowed for clothing represent the replacement amounts for clothing.

304.088: Personal Care

This item is provided for the purpose of maintaining an individual's personal appearance.

304.089: Special Needs

AFDC families may also have special needs which must be provided when they are essential to the welfare of the family, but only those needs which are specifically outlined below.

304.090: Medical Transportation

Medical transportation will be reimbursed by vendor payment in accordance with the provisions of the medical care plan (106 CMR 476).

304.091: Referral for Social Service Benefits

Requests for the following social service benefits are to be referred to the Social Service Unit on the Informational or Referral Communication Form (SOC-7). A referral should also be made when a need for a benefit is noted and the applicant or recipient agrees to referral.

(A) Homemaker Service

(B) Chore Service

(C) Day Care/Baby Sitting Service

(D) Other services for which no specific provision is made in this Section.

304.100: Assets

Assets are objects of value, other than income as defined in Section 304.240, such as personal property, real estate, automobiles, the cash surrender value of life insurance, cash, bank deposits, and negotiable securities.

304.110: Asset Limitation

In order to be eligible for assistance, the combined assets of the assistance unit may not exceed one thousand dollars ($1000).

The dollar value of an asset shall be its equity value. An asset's equity value is its fair market value minus any legal encumbrances or obligations.

304.120: Countable Assets

Assets that shall be considered in determining financial eligibility include but are not limited to:

(A) Cash

(1) Definition

Cash is a countable asset. Cash is defined to be currency or negotiable instruments (checks, drafts, notes, etc.) held by the applicant or recipient, or for him or her by another.

(2) Verification

Verification of the amount of cash held as an asset is mandatory and shall be a signed statement from the applicant or recipient or the physical display of the cash.

(B) Bank Deposits

(1) Definition

Bank deposits are countable assets. Bank deposits are deposits in a bank, savings and loan institution, credit union, or other financial institution. Bank deposits may be in the form of savings, checking, trust accounts, term certificates, or other types of accounts.

(2) Verification

The verification of the amount of a bank deposit is mandatory and shall be by a current statement from the bank or financial institution.

(C) Securities

(1) Definition

Securities are countable assets. Securities are stocks, bonds, debentures, options, futures contracts, mutual and money market fund shares, promissory and corporate notes or other commercial paper. Securities are valued at most recent closing bid price at the time of verification, for traded securities; and at purchase price for non-traded securities.

(2) Verification

The verification of the value of the security is mandatory and shall be by obtaining a current quote from a stock broker, the daily paper, or the trust department of a bank.

(D) Cash Surrender Value of Life Insurance Policies

(1) Definition

The cash surrender value of life insurance policies is a countable asset. The cash surrender value of a life insurance policy is the amount the issuing company has agreed to pay the owner of the policy upon its cancellation.

(2) Verification

The verification of the cash surrender value of life insurance policies is mandatory and shall be by the table of values in the policy itself or by a written statement from a representative of the issuing company. All verifications shall be included in the case record.

(E) Automobiles

(1) Definition

An automobile is a vehicle intended primarily for the transport of people. The first fifteen hundred dollars ($1500) of the equity value of one (1) automobile is a non-countable asset. Any equity value in excess of fifteen hundred dollars ($1500) is a countable asset.

The full equity value of all other automobiles owned by the assistance unit is a countable asset. When the assistance unit owns more than one (1) automobile, the fifteen hundred dollars ($1500) equity limit shall be applied to the automobile with the greatest equity value.

Equity value is determined by subtracting any obligations or encumbrances from the fair market value.

Fair market value shall be determined by consulting the wholesale tables of the latest NADA valuation book. If the applicant or recipient contests the NADA valuation, or the vehicle is not listed in the NADA valuation book, fair market value is determined by averaging three (3) written estimates of fair market value signed by licensed automobile dealers.

(2) Verification

The verification of ownership is mandatory and shall be by the Certificate of Title to the automobile, or, if the Certificate of Title is held pending full payment for the vehicle, ownership will be verified by the loan agreement.

The verification of obligation or encumbrance owed on the vehicle is mandatory and shall be by the payment book, bank or finance company statement, or by a statement from the lender. If the lender is an individual, verification shall be by a signed statement from the lender setting forth the payment schedule and the outstanding balance on the loan.

(F) Snowmobiles, Boats, Trailers, and Other Recreational Vehicles

(1) Definition

A recreational vehicle is one whose primary use is recreation. If a vehicle serves as the family's sole means of transportation it shall be treated as an automobile in accordance with Section 304.120(E)(1). Otherwise, the full equity value is a countable asset.

(2) Verification

The verification of the equity value and ownership of a recreational vehicle is mandatory and shall be in accordance with Section 304.120(E).

(G) Real Estate Other Than the Home

(1) Definition

The equity value of real estate owned by members of the assistance unit that is not the usual residence of the assistance unit is a countable asset.

(2) Verification

The verification of the equity value is mandatory. Equity value is fair market value minus any encumbrances. The fair market value of such real estate shall be the average of three (3) written appraisals by three (3) licensed local real estate agents or brokers. The verification of any encumbrance shall be by a current mortgage statement from the mortgagor. If the lender is an individual, the amount of the obligation shall be verified by a copy of the mortgage deed and a signed statement from the lender setting forth the payment schedule and the outstanding balance on the loan.

(H) Burial Plots or Burial Insurance

(1) Definition

The equity value of a burial plot or the cash surrender value of a burial insurance policy is a countable asset.

(2) Verification

The verification of the equity value of a burial plot or the cash surrender value of burial insurance is mandatory and shall be by a signed statement from the seller or by a copy of the contract for sale, including the payment schedule and outstanding balance on the contract or policy.

304.130: Joint Ownership of Assets

(A) Definition

Any asset jointly owned by two (2) or more persons is considered to be owned in equal shares unless a different distribution of ownership is verified. If joint ownership exists, only that portion of the asset owned by persons included in the assistance unit is countable.

(B) Verification

Documents that verify other than equal ownership are titles, purchase contracts, bank statements, or other certificates of ownership.

304.140: Non-Countable Assets

The following are not countable assets for AFDC purposes. Their possession has no effect on eligibility:

(A) Highway Relocation Assistance payments, Urban Renewal Assistance payments, disaster relief payments used for relocation, and payments from private agencies used for relocation;

(B) The applicant's or recipient's home and the undivided land on which it rests;

(C) First fifteen hundred dollars ($1,500) of equity value of one (1) automobile;

(D) Household belongings such as furniture, appliances, household decorations, linens and cookware; personal belongings such as jewelry, books and toys, even if of more than usual value;

(E) Property to which the applicant or recipient has no ready access, such as property, the ownership of which is the subject of legal proceedings (probate, divorce suits, etc.), and irrevocable trust funds;

(F) Home produce grown or preserved by the assistance unit for its own consumption;

(G) Food Stamps;

(H) When part of a plan approved by the Department, a portion of the earned income of a mother conserved for the higher education of a child who is a junior or senior in high schoool or a student in a college, university, technical or vocational school, only if such income was conserved prior to March 1, 1981;

(I) Any loan or grant, such as a scholarship, the terms of which preclude its use for current maintenance;

(J) Any grant or loan to an undergraduate student for educational purposes made or insured under any program administered by the U.S. Commissioner of Education (these include the Basic Educational Opportunity Grants, National Student Loans, and Supplemental Educational Opportunity Grant);

(K) Assets of any member of the household who is an SSI recipient;

(L) Lands held in trust for Native Americans.

304.200: Income

Income may be either countable or non-countable for determination of financial eligibility or calculation of grant amount.

All countable income is considered on a monthly basis and is applied to the determination or redetermination of eligibility and calculation of grant amount in the calendar month in which it is actually received by the assistance unit. Amounts of income paid in other than monthly amounts must be converted to monthly amount.

(D) Household belongings such as furniture, appliances, household decorations, linens, and cookware; and personal belongings, such as jewelry, books and toys, even if of more than usual value;

(E) Property to which the applicant or recipient has no ready access, such as property the ownership of which is the subject of legal proceedings (probate, divorce suits, etc.), and irrevocable trust funds;

(F) Home produce grown and/or preserved by the assistance unit for its own consumption;

(G) Food Stamps;

(H) When part of a plan approved by the Department, a portion of the earned income of a mother conserved for the higher education of a child who is a junior or senior in high school or a student in a college, university, technical or vocational school;

(I) Any loan or grant, such as a scholarship, the terms of which preclude its use for current maintenance;

(J) Any grant or loan to an undergraduate student for educational purposes made or insured under any program administered by the U.S. Commissioner of Education (these include the Basic Educational Opportunity Grants, National Student Loans, and Supplemental Educational Opportunity Grants);

(K) Assets of any member of the household who is an SSI recipient;

(L) For six months from the date of receipt, proceeds from the sale of a home or proceeds from insurance for a destroyed home, if the proceeds are to be used to buy another home;

(M) Lands held in trust for Native Americans.

304.200: Income

Income may be either countable or non-countable for determination of financial eligibility or calculation of the grant amount.

All countable income is considered on a monthly basis and is applied to the determination or redetermination of eligibility and calculation of the grant amount in the calendar month in which it is actually received by the assistance unit. Amounts of income paid in other than monthly amounts must be converted to monthly amounts.

The most current monthly income information provided to the Department is used as the basis for grant calculation until information is received indicating a change in income or eligibility, or until a redetermination is due. If verified income information indicates an underpayment, an adjustment must be made promptly.

304.210: Income Limitations

In order to be eligible for AFDC, the assistance unit may not have countable income above the Standard of Assistance for the number of persons in the assistance unit. (See 304.400: Table of Standards of Assistance.)

304.220: Types of Countable Income

The types of countable income generally are as follows:

(A) Earned Income

Earned income is income, in cash or in kind, earned through employment or self-employment. Earned income may be received as wages, salary, tips, commissions, or in kind. For employees, earned income is the total gross amount received, prior to consideration of work-related expenses as described in 304.510.

With respect to self-employment, earned income is the total gross income less total business expenses. Business expenses do not include personal expenses, such as lunches and transportation to and from work.

(B) Unearned Income

Unearned income is all income which a person does not earn by the application of his or her own efforts, or by the application of his or her own managerial skills. Unearned income includes, but is not limited to:

(1) Dividends;

(2) Interest;

(3) Unemployment Compensation payments;

(4) Pensions;

(5) Social Security (RSDI) benefits;

(6) Veterans benefits;

(7) Capital gains in which an individual exercises no managerial role;

(8) Contributions from friends and relatives; and

(9) Prizes, lottery winnings or other lump-sum payments taxed as income.

(C) In-Kind Income

Income in kind is income in any form other than cash. It may consist of a share of crops, free services, free rent, free utilities, clothing, or food, but is not necessarily limited to these. It may be earned or unearned.

For purposes of financial eligibility and calculation of the grant amount, shelter (including rent, mortgage, fuel or utilities) and food provided at no cost to the applicant or recipient will be valued at the Department's standard value. See Section 304.530: Guide for Income-In-Kind.

(D) Income from Legally Liable Relatives

A relative who is legally liable to support a member or members of an assistance unit with whom (s)he is living is assumed to be providing support to the unit. This support is counted as income in determining eligibility and the grant amount in accordance with Sections 304.340 and 304.350.

304.230: Rules for Counting Income

In general, income that is countable in determining whether an assistance unit is eligibile for AFDC is also countable in determining the amount of its grant.

There are, however, several exceptions to the usual method of counting income. These exceptions are explained in the sections that follow. In summary, they are the following:

(A) Income from an absent parent is countable in determining eligibility but not in determining the amount of the grant (see Section 304.240: Income from an Absent Parent).

(B) A payment that represents accumulated recurring income, such as a retroactive Social Security check, is countable as monthly income

according to special rules (see Section 304.250: Retroactive Lump-Sum Payments). As described in 304.120(C), other kinds of one-time lump-sum payments are counted as assets rather than as income.

(C) Certain kinds and portions of earnings that are countable in determining initial eligibility are not countable either in calculating the grant amount, redetermining eligibility, or determining the eligibility at application of an applicant who has received AFDC within the last four calendar months (see Sections 304.260 and 304.280).

304.240: Income from an Absent Parent

Income from an absent parent is countable in determining whether the monthly income of an assistance unit exceeds the Standard of Assistance for the number of persons in the assistance unit. If it does not, and the assistance unit meets all other applicable eligibility requirements, the income from the absent parent must be paid directly to the Department and may not be counted in determining the amount of the grant.

304.250: Retroactive Lump-Sum Payments

A lump-sum payment that represents the accumulation of recurring income, such as retroactive Social Security (RSDI), Unemployment Compensation, Railroad Retirement, or federal VA benefits, is considered current income.

All such retroactive payments must be regarded as income to the recipient in the calendar month actually received. If the amount of such a payment exceeds the recipient's full grant for the month received, assistance will be suspended. Such suspension will continue until the recipient no longer retains the payment in cash or bank accounts in excess of the monthly grant. As soon as the payment retained as cash or bank accounts falls below the recipient's full monthly grant, assistance will be reinstated to the appropriate level, regarding any such retained payment as income in the month of reinstatement.

As soon as a worker learns that a recipient is about to receive or has received such a retroactive payment, the recipient will be advised of a right to retain such payment on the basis described above. Any recipient who voluntarily asks to give the retroactive payment to the Department will be allowed to do so. In such a case, the recipient will not be suspended for any time.

For a description of the treatment of lump-sum payments that do not represent accumulated recurring income, see Section 304.120: Countable Assets.

304.260: Income Test of Financial Eligibility

Financial eligibility with regard to income is determined by the following tests:

(A) If the assistance unit has not received AFDC within the last four calendar months, the test of financial eligibility at application is the subtraction from gross income of the types of non-countable income given in 304.270 and the subtraction of work-related expenses (see Section 304.510). If the result is less that the Standard of Assistance for a unit of that size (see 304.400), the assistance unit meets the income test of financial eligibility.

(B) At redetermination or at application, if the assistance unit has received AFDC within the last four calendar months, the test of financial eligibility is the subtraction from gross income of the types of non-countable income given in Section 304.270 and in Section 304.280, followed by the subtraction of work-related expenses. If the result is less than the Standard of Assistance for a unit of that size, the assistance unit meets the income test of financial eligibility.

304.270: Non-Countable Income

This section lists income that may not be counted in either the test of financial eligibility or the calculation of the grant amount. Section 304.280 lists additional types of income that are not countable under certain circumstances but are countable under others. The following types of income are never countable:

(A) All income of persons receiving Supplemental Security Income (SSI);

(B) Social Security (RSDI) Children's insurance benefits paid to persons 18 through 21 years of age who are full-time students;

(C) The cash value (face amount) of Food Stamps;

(D) The cash value of USDA-donated Food Stamps or surplus commodities;

(E) Payments under the Nutrition Program for the Elderly (Title VII of the Older Americans Act of 1965);

(F) The value of assistance received under the Child Nutrition Act of 1966 and the National School Lunch Act;

(G) Home produce consumed by members of the assistance unit and their families;

(H) All earnings of children under 14;

(I) Weekly incentive payments of up to $30 and expense allowances from the Division of Employment Services, and training allowances under CETA;

(J) Salaries from public service employment under WIN;

(K) Incentive payments of $30 per week or less received under a vocational rehabilitation program of the Massachusetts Rehabilitation Commission;

(L) Payments received under CETA Youth Employment Demonstration Programs;

(M) Any loan or grant, such as a scholarship, the terms of which preclude its use for current maintenance;

(N) Any grant or loan to an undergraduate student for educational purposes made or insured under any program administered by the U.S. Commissioner of Education;

(O) Irregular or infrequent income which cannot be reasonably projected over a period of time and which is less than $40 in any calendar month;

(P) Experimental Housing Allowance Program payments made under contracts entered into prior to 1975;

(Q) Payments to, or reimbursement given to volunteers serving as foster grandparents, senior health aides, or senior companions, or serving in the Service Corps of Retired Executives, or in any other program established under the Domestic Service Act of 1973;

(R) Funds distributed to, or held in trust for members of any Indian tribe pursuant to a judgment of the Indian Claims Commission;

(S) The tax-exempt portions of payments made under the Alaska Native Claims Settlement Act;

(T) Payments to Native Americans under Public Law 94-114;

(U) Relocation payments as described in 304.140 (A);

(V) Housing subsidies received under any Massachusetts or Federal housing program.

(W) Income from employment as a 1980 census enumerator;

(X) Room and board income from a child of the grantee-relative; and

(Y) Incentive payments to participants in the National Health Insurance Study and the Case Management demonstration program.

304.280: Income that is Not Countable Under Certain Circumstances

The types of income described in Section 304.270 are never countable in determining eligibility or the grant amount. This section describes the types and portions of income that are not countable in calculating the grant amount after financial eligibility has been established, in redetermining eligibility, or in determining the financial eligibility of an applicant who has received AFDC within the last four calendar months. These types and portions of income are the following:

(A) All earned income of any child who is a full-time student, or a part-time student but not a full-time employee;

(B) The first $30 and one-third of the remaining gross earnings of all other members of the assistance unit whose earnings are counted for determining eligibility. (This exclusion does not apply to the earned income of a member of the assistance unit who reduced his or her income or terminated his or her employment without good cause within the thirty days prior to the month for which the grant amount is calculated or who refused a bona fide job offer without good cause in the same period. See 303.340(E): Bona Fide and Good Cause);

(C) Reimbursement for training-related expenses under WIN; and

(D) When part of a plan approved by the Department, a portion of the earned income of a child's mother conserved for the higher education of a child who is a junior or senior in high school or a student in a college, university, technical or vocational school.

304.290: Verification and Determination of Earned Income

(A) Verification and Determination of Monthly Wages

Earned income must be verified. Earned income from wages is verified by the paycheck stubs, pay statements, or a letter from the employer.

(1) If the employee is paid weekly, the average of the last three weeks' pay will be mutiplied by 4 1/3 or 4.333 to obtain an anticipated monthly wage. If the applicant or recipient has worked less than three weeks, the wage information available will be used initially and the figure revised, if necessary, when three consecutive weeks' wage information is available.

(2) If the employer is paid bi-weekly, an average of the last two consecutive pay periods will be multiplied by 2 1/6 or 2.167 to obtain a monthly figure. If the employee is paid twice a month, the last two consecutive pay periods will be added to obtain a monthly figure.

(3) If the employee in either of the cases above has some payroll deductions which are made on other than a weekly, bi-weekly or semi-monthly basis (e.g. monthly). These may be verified by means of any paystub from the past five weeks which lists the deductions or by a letter from the employer. Such deductions must be converted to monthly amounts and must be included in determination of the employee's work related expenses.

If the applicant or recipient has worked less than four weeks, the wage information available will be used initially and the figure revised, if necessary when two consecutive pay periods wage information is available.

(4) If the employee is paid monthly, the monthly figure will be used.

(5) If the employee receives a contractual annual salary, the amount to be used is the contractual annual salary divided by 12. Verification of the annual salary should be obtained in the form of a copy of the contract or a letter stating the annual salary to be received.

(6) Pay stubs or a statement showing wages paid in the year to date may be used to determine an anticipated monthly wage provided the number of weeks' pay represented is shown or can be computed. The average weekly earnings derived are multiplied by 4 1/3 or 4.333 to obtain a monthly figure.

(B) Verification and Determination of Self-Employment Income

Earned income must be verified. Self-employment income is verified by means of business records and tax returns that show:

(1) The total amount of income; and

(2) The total business expenses associated with the gross income earned. The three most current months' records must be used. Business records and tax returns may be verified by records of bank deposits, records of wages paid to employees, and Social Security and other taxes paid on, and withheld from those wages; rent receipts, utility payments receipts, bills of lading, receipts for purchase of stock, and Worker's Compensation payment records.

304.300: Membership in the Assistance Unit

An assistance unit is that group of persons whose needs, assets and income are considered in the determination of financial eligibility and the calculation of the grant amount.

In order to be eligible for AFDC, the assistance unit may not have countable assets greater than the asset limitation or countable income greater than the Standard of Assistance for the number of persons in the unit.

The assistance unit is distinguished from the household, which is the total group of persons who live together. The assistance unit and the household may or may not be the same group of persons.

304.310: Requirements for Membership in the Assistance Unit

(A) The only possible members of an assistance unit are:

(1) A dependent child;

(2) One of the relatives of the child described in Section 303.210: Relationship;

(3) A pregnant woman;

(4) The spouse of the relative or pregnant woman.

No other relatives of the dependent child may be included, unless they are themselves dependent children.

(B) All persons in the assistance unit must meet the applicable categorical requirements for AFDC eligibility, regardless of whether they are children or adults. Adults are eligible only in relation to a dependent child as described in Section 303.210: Relationship and Living Arrangement.

(C) All members of the assistance unit must live in the same household, except as specified in Section 303.230: Living Arrangement.

(D) A recipient of Supplemental Security Income (SSI) may not be included in the assistance unit. However, the grantee-relative and his or her spouse may constitute an assistance unit if the only dependent child is an SSI recipient. Only they, not the child, are included in the assistance unit.

(E) A pregnant woman not living alone who is a dependent child in an assistance unit and who is under 18 may not apply as a separate assistance unit until she becomes 18 or she gives birth to a child over whom she then exercises day-to-day care. She has the right to remain in an assistance unit with her parent(s) or other grantee-relative if she chooses. If she chooses to do so, her child is also included in that assistance unit.

304.320: Optional Membership in the Assistance Unit

Except in the specified circumstances described in 304.330: Circumstances Governed by Legal Support Obligations, membership in the assistance unit is optional. The applicant or recipient must be informed of the advantages and disadvantages of the alternatives before (s)he makes a decision. While inclusion in the assistance unit confers automatic eligibility for Medical Assistance, the income and assets of any individual who chooses to be included in the unit must be considered in determining the unit's eligibility and the grant amount.

Examples of individuals who may or may not choose to be included in the assistance unit are children whose net earnings or unearned income, such as Social Security, exceeds the incremental Standard of Assistance, and the spouses of grantee-relatives.

304.330: Circumstances Governed by Legal Support Obligations

If no legal obligations or rights to support exist, there are no restrictions on the membership of the assistance unit other than those given in Section 304.300: Membership in the Assistance Unit and Section 304.310: Requirements for Membership in the Assistance Unit. There are three circumstances in which legal obligations or rights to support exist, and in which additional requirements apply:

(A) Natural or Adoptive Parents

Natural and adoptive parents have a legal obligation to support their children. If the natural or adoptive parent of the child is in the home, his or her income or assets must be considered in determining the eligibility of the dependent child although the parent need not be included in the assistance unit. If both of the natural or adoptive parents of the child are in the home and are married to each other, the income and assets of both parents must be considered, since they both have a legal obligation to support the child. If both of the natural or adoptive parents of the child are in the home and are not married to each other, the worker may consider the father's income and assets and include him in the assistance unit only if paternity has been established (see 303.220: Establishment of Paternity).

(B) Stepparents and Remarried Parents

Persons who are not the natural or adoptive parents of children have no legal obligation to support the children of their spouses, or children of other persons who live with them, even though they may choose to do so. They do, however, have a legal obligation to support their spouses and at the same time have a right to receive support from them. A remarried parent of a dependent child, therefore, may or may not be included in the assistance unit, depending on the amount of support available to him or her from his or her spouse. The test for inclusion of a remarried parent is given in 304.340: Test for Inclusion of a Remarried Parent.

as used in these regulations, the term "remarried parent" includes any parent, whether or not he has previously been married, whose present spouse is not legally liable for the support of the dependent child.

(C) Unmarried Natural Parents Under 18

An unmarried parent under 18 has a right to support from his parents. Therefore, the inclusion in the assistance unit of an unmarried parent under 18 who is living with his parent(s) depends on the amount of support available to him from his parents. The test for inclusion of the unmarried parent under 18 in the assistance unit with his dependent child is given in Section 304.350: Test for inclusion of an Unmarried Pregnant Woman or Natural Parent Under 18.

Failure of the parent(s) to support an unmarried pregnant woman or natural parent under 18 living outside the home of the parent(s) must be referred to the Department's Child Support Enforcement Unit.

304.340: Test for Inclusion of Remarried Parent

(A) The Amount of Income Which Is Available to the Remarrried Parent from His/Her Spouse

(1) That portion of the monthly income (both earned and unearned) of a spouse which exceeds the sum of the following will be available as unearned income to the remarried parent.

a. An amount equal to the spouse's monthly work-related expense deduction which is applied to the stepparent's monthly income in accordance with 304.270.

b. An amount equal to the Standard of Assistance for a family unit composed of: (1) the stepparent and (2) those individuals living in the household who are, or could be claimed as dependents for Federal personal income tax liability, but whose needs are not taken into account for AFDC eligibility determination.

c. The monthly amounts actually paid by the stepparent to individuals not living in such household if the stepparent claimed, or could have claimed such individuals as dependents for Federal personal income tax liability.

d. Actual monthly payments by the stepparent of alimony and child support to individuals not living in the household, when these payments do not duplicate those payments (A)(1)(c), above.

(2) Verification of the above is in accordance with 304.235 (B).

(3) If the total of (1) above exceeds the Incremental Standard of Assistance (see 304.410) the remarried parent is not eligible and shall not be included in the assistance unit.

(4) If the total of (1) above is equal to or less than the Incremental Standard of Assistance, (see 304.410) the remarried parent meets the income eligibility test and may choose to be included in the assistance unit if (s)he meets all other eligibility requirements.

(B) Effect on Grant for Children

(1) If the remarried parent is not eligible, (s)he may not be included in the assistance unit. However, the remarried parent's income is considered available to the assistance unit's and the rules for counting earned income of an applicant or recipient, including section 304.280, shall be applied in determining the units' eligibility grant amount.

(2) If the remarried parent is eligible and included in the assistance unit, the remarried parent's own income (excluding any income attributed from the stepparent) is considered in determining the grant amount.

(3) The stepparent's countable income, if any, as determined by 304.235, is considered available to the assistance unit in determining the unit's eligibility and in determining the amount of the grant.

304.350: Test for Inclusion of an Unmarried Pregnant Woman or Unmarried Natural Parent Under 18

Parents have a legal responsibility to support their children. Therefore, when an unmarried pregnant woman or unmarried natural parent (male or female) under 18 applies, and is not already a member of an existing assistance unit, the income available to him or her from his or her parent(s) with whom (s)he is living must be considered in determining financial eligibility and the amount of the grant. Such income is considered as follows:

(A) Determine the net income of the parents of the person under 18. Net income is defined as gross income minus work-related expenses (see 304.270).

(B) Subtract the monthly Medical Assistance Net Income Exemption (see 304.360) for the parents and their dependents living in the home excluding the unmarried pregnant woman or unmarried natural parent under 18 and the child, if any.

(C) The result of step (B) is the income available to the unmarried pregnant woman or unmarried natural parent under 18. If it is more than the incremental Standard of Assistance (see 304.410), (s)he is ineligible for membership in the assistance unit with his or her dependent child. If it is less than the incremental Standard of Assistance and (s)he is eligible, the income available from his or her parents is subtracted from the grant for the assistance unit.

304.360: Table of Monthly Medical Assistance Net Income Exemptions

The following figures are used in the test described in Section 304.350. They represent the amount of income allowed for the maintenance of a family in determining eligibility for Medical Assistance under the MA-Only Program. They are used in AFDC as reasonable amounts for the support of separate family units; income above these amounts is considered available for support of an unmarried pregnant woman or unmarried natural parent under 18.

Number of Persons	Exemption
1	$334
2	$425
3	$435
4	$445
5	$510
6	$576
7	$641
8	$706
9	$771
10	$836

There is a net income exemption of $66 for each additional dependent member of the family after 10.

Assistance Unit Size	Monthly Payment Amount	One-Month Portion of Quarterly Payment	Total Standard of Assistance
1	$231.20	$16.30	$247.50
2	$281.90	$32.30	$314.20
3	$342.00	$37.20	$379.20
4	$402.10	$42.40	$444.50
5	$462.10	$47.60	$509.70
6	$522.30	$52.80	$575.10
7	$582.40	$57.80	$640.20
8	$642.50	$63.00	$705.50
9	$702.70	$68.20	$770.90
10	$762.80	$73.20	$836.00
Incremental	$ 60.30	$ 5.20	$ 65.50

304.500: Calculation of the Grant Amount

The grant amount is calculated as follows:

Step 1: Total the earned income of all the members of the assistance unit, excluding any earned income described in Section 304.270: Non-Countable Income.

Step 2: Subtract from this total all the earned income of a child who is a full-time student, or a part-time student but not a full-time employee; any reimbursement for training-related expenses under WIN; and any earnings of a mother conserved under a plan approved by the Department. (See 304.280.)

Step 3: If the total of earned income in Step 2 is $30 or less, it is not countable in calculating the grant amount. If it is more than $30, subtract $30 and one-third of the remainder.

Step 4: Subtract an amount of income equal to all work-related expenses (see 304.510: Determination of Work-Related Expenses).

Step 5: Total all unearned and other income not excluded under Section 304.270: Non-Countable Income. This total includes income available from a legally-liable relative, in accordance with Sections 304.340 and 304.350.

Step 6: Add the results of Step 4 and Step 5.

Step 7: Subtract the result of Step 6 from the Monthly Payment Amount (304.400) for the number of persons in the assistance unit. The result, if greater than zero, is the amount to be paid monthly.

Step 8: If the result of Step 7 is zero or less, the result of Step 6 is subtracted from the Standard of Assistance. The result, multiplied by 3, is the grant amount to be paid as the quarterly payment. If the result of subtracting the result of Step 6 from the Standard of Assistance is less than zero, the assistance unit does not meet the income test of financial eligibility.

304.510: Determination of Work-Related Expenses

All expenses reasonably attributable to the earning of income must be deducted from gross income or wages in determining eligibility and in determining the amount of the assistance grant.

(A) A person who is employed full-time (40 hours per week or the employer's standard full-time week, whichever is less) must be allowed a standard deduction of $28.00 per month for the additional cost of food, clothing and personal care necessitated by employment. The $28.00 standard deduction must be reduced proportionately for persons who work less than forty hours per week or the employer's standard full-time week, whichever is less (e.g., if the employer's standard full-time week is 35 hours, a recipient or applicant who worked 25 hours per week would be entitled to a deduction of 25/35 x $28 = $20.00).

(B) Persons who are employed in their own home (caring for children or doing other sorts of work for pay) or who are employed caring for children in the homes of such children may not be allowed the $28.00 standard deduction. These persons must, however, receive a deduction for any actual expenses reasonably attributable to the earning of income.

(C) In addition, the Department must deduct the following expenses if incurred:

(1) Federal and State income taxes and Social Security taxes (FICA), which the applicant or recipient can establish as deducted, paid or set aside from gross income or wages;

(2) Compulsory payments for retirement and employee benefit plans which the applicant or recipient can establish as deducted or set aside from gross income or wages (excluded are deductions for savings bonds, credit union payments, and repayment of loans);

(3) Payments for health or medical insurance plans which the applicant or recipient can establish as deducted or set aside from gross income or wages;

(4) The cost of transportation to and from work and transportation on the job, if the expense is not reimbursed by the employer. This expense must be calculated according to one of the following formulas:

a. Actual cost of public mass transportation when used by the applicant or recipient; or

b. If the applicant or recipient uses an automobile the amount currently allowed State employees or at the option of the applicant or recipient, the actual cost of this form of transportation when established by the applicant or recipient; or

c. Actual cost of any other mode or form of transportation if none of the above two options are reasonably available.

(5) Payments of dues to unions or payments of dues or other similar assessments to business or professional organizations which are reasonably related to the earning of income, which the applicant or recipient can establish as deducted or paid;

(6) Payments for licenses and permits required or reasonably related to the earning of income, which the applicant or recipient can establish as deducted or paid;

(7) Payments for special devices or equipment needed by handicapped people, which items are not supplied by the employer and payment for which the applicant or recipient can establish;

(8) Payments for the purchase and maintenance of uniforms, special clothing, tools, equipment, and safety devices and other protective items, where not supplied by the employer and when the applicant or recipient can establish his or her need to pay for any such items;

(9) The cost of telephone installation and service where the telephone is maintained for business purposes or reasonably related to the earning of income;

(10) Educational expenses which maintain or improve skills required by the applicant or recipient in his or her employment including any necessary publications; and

(11) Any other expenses reasonably attributable to the earning of income or wages, payment of which the applicant or recipient can establish.

304.520: Guide for Income-In-Kind

The following table provides the amounts for specific items in the Standard of Assistance. These amounts are to be used to determine:

(A) The amount to be authorized as vendor payments to meet the immediate needs of applicants in accordance with Section 302.130 (F): Immediate Needs; and

(B) The value of shelter (rent, mortgage, fuel, utilities) and food provided at no cost to an applicant or recipient.

RENT OR MORTGAGE	Unheated Facility	102.00 per month
	Heated Facility	126.30 per month
FUEL		27.90 per month
UTILITIES		18.60 per month
FOOD (Individual)		41.80 per month

304.600: Payment of Grants

AFDC grants are provided to recipients in the form of checks and, in some cases, vendor payments. The grant is comprised of a monthly portion, paid in two semi-monthly checks, and a quarterly portion (see Section 304.400: Table of Standards of Assistance).

304.610: Minimum Monthly Payment

The smallest grant paid is $2.00. If the grant amount is greater than zero but less than $2.00, it is to be rounded to $2.00.

304.620: Determination of the Quarterly Payment Amount

The quarterly payment amount is determined by the number of persons in the assistance unit as of the last semi-monthly payment preceding the quarterly payment.

The quarterly payment is prorated to the number of semi-monthly payment periods remaining in the quarter. The number of periods includes the period(s) to which payment has been made retroactive.

The following table provides the quarterly payment amount by semi-monthly payment period:

Assistance Unit Size	1	2	3	4	5	Full Quarterly Payment
1	$ 8.20	$16.30	$24.30	$32.50	$40.50	$ 48.60
2	16.20	32.30	48.20	64.30	80.20	96.30
3	18.70	37.20	55.80	74.30	92.90	111.70
4	21.30	42.40	63.50	84.70	105.80	127.00
5	23.90	47.60	71.30	95.00	118.80	142.40
6	26.50	52.80	79.10	105.40	131.70	158.00
7	29.00	57.80	86.70	115.60	144.50	173.40
8	31.50	63.00	94.50	125.90	157.20	188.70
9	34.20	68.20	102.10	136.10	170.20	204.10
10	36.70	73.20	109.80	146.40	182.90	219.60
Incremental	2.70	5.20	7.90	10.40	13.00	15.60

304.630: Provision of Retroactive Quarterly Payments

Retroactive prorated quarterly payments provided to new recipients must be provided within 21 calendar days of the establishment of eligibility for AFDC (see 301.530: Table of Time Standards).

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305.000: Overview of Related Benefits

This chapter contains a description of the benefits provided by the Department which AFDC applicants or recipients may be eligible to receive. Some benefits are available to all recipients; others are intended for special needs or situations.

These benefits are described under the following headings:

(A) Medical Assistance, Section 305.100;

(B) Food Stamps, Section 305.200;

(C) Emergency Assistance, Section 305.300;

(D) Social Services, Section 305.400;

(E) Food Vouchers for Temporary Visits, Section 305.500;

(F) Infant Benefits, Section 305.600;

(G) Funeral and Burial Benefits, Section 305.700;

(H) Transportation Assistance, Section 305.800;

(I) WIN Social Services, Section 305.900; and

(J) Non-WIN Training Related Expenses, Section 305.960

305.100: Medical Assistance

The Medical Assistance Program provides medical services for those persons who meet specific income and other eligibility requirements. All recipients of AFDC are eligible for Medical Assistance (MA) without further application.

305.110: General Medical Care

Each grantee-relative receives a Medicaid Eligibility Card (ID-1) which may be used to obtain medical services for all members of the assistance unit.

The worker must provide the grantee-relative with information about where to obtain medical care, if necessary.

305.120: Retroactive Medical Assistance

AFDC recipients are eligible for Medical Assistance for the three months prior to the month in which application for AFDC was made, if the recipient's circumstances met the Medical Assistance eligibility requirements in those three months. See the Massachusetts Public Assistance Policy Manual, Chapter II, Section B, Part 2, I and II, for eligibility requirements. A Declaration of Need for Retroactive Medical Assistance, Form SS-37A, is used to determine eligibility for retroactive MA.

305.130: Project Good Health

The purpose of Project Good Health is to provide all persons in the assistance unit under the age of twenty-one with the opportunity for preventive health care, including medical checkups, immunizations, and dental checkups. See 106 CMR 480 for a full description of the PGH Program.

At the time of application and redetermination the AFDC worker must:

(A) Describe and explain the PGH Program and its advantages;

(B) Encourage maximum utilization of the PGH Program;

(C) Offer to refer the applicant or recipient to the PGH specialist;

(D) Provide written information on the PGH Program; and

(E) Inquire whether the applicant or recipient is interested in participating in PGH.

If a recipient or applicant who is determined to be eligible for AFDC is interested in participating in PGH, the AFDC worker must provide access to a list of health care providers, offer to help in scheduling appointments, and if necessary, authorize medical transportation assistance and refer the applicant or recipient to the PGH specialist for child care or translation services.

305.140: Family Planning

The purpose of family planning is to help members of the assistance unit obtain counseling and medical services related to the decision to have children or not to have children. Participation in family planning is voluntary. All AFDC recipients are eligible for family planning and must be informed of the existence of the program. The Medical Assistance Program pays for medical services related to family planning.

305.150: Medical Transportation

Medical transportation is a benefit provided under the Medical Assistance Program. The worker must provide a voucher for this service in accordance with 106 CMR 407. The voucher must be issued within seven days of the request for this service.

305.200: Food Stamps

The purpose of the Food Stamp Program is to ensure adequate nutrition for low income households. The program is administered by the Department.

305.210: Obtaining Food Stamps

An AFDC applicant may also apply for and be eligible for Food Stamps. The worker must inquire whether the applicant wants to apply for Food Stamps, and if so, must either process the Food Stamps application or make the appropriate referral to the Food Stamps unit. See 106 CMR, Chapters 360 through 367 for Food Stamps eligibility requirements.

305.220: Amount of Food Stamps

The amount of Food Stamps for which an assistance unit is eligible depends upon the amount of income available to it, including the AFDC grant. When there is a change in the grant, or in the assistance unit, there may be a corresponding change in the Food Stamp allotment.

305.300: Emergency Assistance

The Emergency Assistance Program provides assistance in certain emergency or disaster situations. An assistance unit may receive authorization for Emergency Assistance for only one 30 day period in any 12 consecutive calendar months, except as provided in 106 CMR 309.040 (B).

When it is apparent that an AFDC applicant or recipient needs Emergency Assistance, the worker must inform him or her of the advantages and disadvantages of the program.

The specific requirements and benefits of the EA program are found in 106 CMR 309: Emergency Assistance.

305.400: Social Services

The Department of ocial Services provides specific services to eligible recipients of AFDC. The worker must refer applicants and recipients to the Department of Social Services for the services listed below whenever such services are requested or the need for them is noted:

(A) Protective Services;

(B) Homemaker Services;

(C) Day Care Services;

(D) Chore Services;

(E) Foster Care; or

(F) Other services for which no specific provision is made in this Chapter.

Except as specified in Section 306.620: Vendor Payments for Mismanagement of Funds, the worker may not make a social services referral without the applicant's or recipient's agreement.

305.410: AFDC Foster Care

AFDC Foster Care (AFDC-FC) is available for children otherwise eligible for AFDC who have been committed to the care of the Department of Social Services by a judicial determination that continuance in the home would be contrary to the welfare or best interests of the child.

AFDC-FC is not available for a child voluntarily placed in the care of DSS.

305.420: Responsibility for AFDC-FC

The development and monitoring of a social services plan for a child receiving AFDC-FC is the responsibility of the Department of Social Services.

The determination of whether a child meets the categorical and financial requirements for AFDC-FC eligibility is the responsibility of a special Assistance Payments unit in the Central Office of the Department of Public Welfare.

The Department of Social Services must provide information regarding those cases potentially eligible for AFDC-FC. The special DPW unit must obtain all documents and information necessary to determine eligibility. Information may be obtained from the Social Service worker assigned to the case.

305.430: Eligibility for AFDC-FC

As a condition of eligibility for AFDC-FC, one of the following situations must exist:

(A) During the month court action was initiated, the child was living with a relative as specified in 302.200: Relationship, from whose custody (s)he was or is being removed, and was eligible for, or receiving, AFDC; or

(B) The child lived with such relative at some time within the six months prior to the month in which action was initiated, and would have been eligible for AFDC if application had been made during that time.

The eligibility requirements of Chapters 303 and 304 apply. An application for a Social Security number must be made on behalf of the child if (s)he does not have, or cannot furnish a valid SSN.

305.440: Redetermination of Eligibility for AFDC-FC

Eligibility for AFDC-FC must be redetermined every six months. At the time of redetermination the special unit must request that the Social Service worker provide verification of the active status of the court order, the present placement of the child, and the current service plan for the child. The special unit worker must redetermine necessary factors of eligibility. See Chapter 303: Categorical Requirements.

The deprivation factor need not be redetermined if DSS has been given permanent custody of the child and all paternal rights and obligations, including the obligation of financial support, have been terminated by the court. Termination of parental rights alone is not sufficient for a finding of deprivation at the initial determination of eligibility.

305.500: Food Vouchers for Temporary Visits

A child who has been voluntarily surrendered or court committed into the care and custody of a Department of the Commonwealth or licensed private agency is not eligible for AFDC unless (s)he has returned to the home of a relative for a period of more than 30 consecutive days and meets all other applicable AFDC requirements.

When such a child returns to the home of a relative for a period of 30 days or less the worker must, if the relative requests, issue a food voucher at the rate of $1.80 per day for the number of days the child will be in the home if one of the following situations applies:

(A) The relative is currently receiving AFDC; or

(B) The relative is a former recipient of AFDC who became ineligible as a result of the removal of the child from the home, and who currently meets the financial eligibility requirements of the Food Stamps, Medicaid, or other Department program.

305.510: Verification of Eligibility for Food Vouchers

Eligibility for food vouchers under Section 305.500 must be verified by:

(A) The receipt of advance written notification from the appropriate agency of the timing and duration of the child's visit; and

(B) Confirmation by the agency that no payment will be made to the foster family or group care facility for that period of time.

305.520: Return of More Than 30 Days

A child who returns to the home of the relative for more than 30 consecutive days, or for an indefinite period, and remains in the custody of a public or private agency is considered to be living with the relative and is eligible for AFDC if (s)he meets all other applicable eligibility requirements.

305.600: Infant Benefits

The purpose of Infant Benefits is to provide a one time payment for equipment needed to care for an infant. If the equipment is not available to the applicant or recipient from any other source, and if payment for the equipment is requested within the 6 months following the birth of the eligible infant, the following benefits must be authorized at rates set by the Department:

(A) Payment for a crib or mattress for a newborn infant.

(B) Payment for a layette for a newborn infant.

305.700: Funeral and Burial Expenses

The Department may provide payment for funeral and burial expenses of a deceased AFDC recipient. If payment is made for such expenses, the Department has preferred claims against the estate and existing resources of the deceased recipient for the amount of any such payment.

Existing resources include, but are not limited to, savings, life insurance and RSDI death benefits. In all instances where a recipient has ever been employed, eligibility for RSDI lump sum death benefits must be explored.

The worker must determine what resources exist to meet the expenses. When RSDI death benefits appear to be available, a claim must be filed. This resource must be used in computing the Department's payment.

305.710: Payment for Funeral and Burial Expenses

The Department may pay up to $300 for funeral and burial expenses that do not exceed $500. When a resource applicable to funeral and burial expenses exists, it is deducted from the $500 allowable costs; the Department pays the balance, if any, not in excess of $300.

To receive payment, the funeral director must submit an itemized bill and a signed statement that the total cost of the funeral and burial does not exceed $500. (S)he must also report any money paid, or to be paid by sources other than the Department.

The Department's payment is made in the form of a vendor payment.

305.800: Transportation Assistance

The Department provides transportation assistance to applicants for and recipients of AFDC who have requested assistance to move outside the Commonwealth. Transportation assistance is provided through agencies under contract to the Department.

The worker must refer an individual or family to the contracting agency if (s)he or they desire to move outside the Commonwealth and appear to meet the eligibility criteria. The final determination of eligibility is made by the contracting agency pursuant to standards set by the Department.

305.810: Eligibility for Transportation Assistance

The contracting agency determines eligibility for transportation assistance. An individual or family is eligible if (s)he or they meet the following requirements:

(A) (S)he or they have applied for, may be expected to apply for, or are receiving public assistance or have current income that does not exceed the amount they would receive if found eligible for AFDC, GR or SSI.

(B) (S)he or they recently arrived in Massachusetts. (When the individual or family is not recently arrived but has a sound and compelling reason to move, a referral can also be made. The contracting agency may request the Regional Manager to approve transportation assistance for such persons.)

(C) (S)he or they have insufficient resources to return to their former residence.

(D) (S)he or they have not previously received transportation assistance in Massachusetts.

(E) (S)he or they have a significant social, medical or financial problem which may be substantially alleviated by moving outside the Commonwealth or are incapacitated to a degree which would prevent him or her from obtaining employment in the Commonwealth. This includes physical incapacity and mental incapacity as determined by a social worker assigned by the contracting agency.

305.820: Voluntary Participation in Transportation Assistance

The decision of an individual or family to accept referral for transportation assistance and to accept transportation assistance, based on the contracting agency's agreement to the soundness of the moving plan, must be voluntary.

305.830: Limitation on Transportation Assistance

Transportation assistance is limited to personal transportation for the family or the individual. The cost of moving household goods or furnishings, or costs for luggage or baggage in excess of the transportation carrier's stated limitations for personal effects or belongings, will not be authorized.

305.900: Non-WIN Training Related Expenses

The Department may provide payment for non-WIN training related expenses for one eligible natural or adoptive parent in a training program.

The conditions for payment of such expenses are as follows:

(A) The recipient has obtained DES/WIN's approval of the training program if (s)he is a mandatory WIN registrant;

(B) The recipient is not in a WIN-funded training program;

(C) Payment for non-WIN training related expenses is not available from any other agency; and

(D) The training program is one of the following:

(1) A full-time high school, or high school equivalency program;

(2) A full-time vocational training program in which the recipient will gain a specific skill or trade which will enhance his or her employability; or

(3) A full-time undergraduate degree program, not to exceed two years, in an accredited college or university, which will lead to gainful employment.

Recipients who are WIN exempt are not required to register for WIN to be eligible for payment of non-WIN training related expenses.

305.820: Voluntary Participation in Transportation Assistance

The decision of an individual or family to accept referral for transportation assistance and to accept transportation assistance, based on the contracting agency's agreement to the soundness of the moving plan, must be voluntary.

305.830: Limitation on Transportation Assistance

Transportation assistance is limited to personal transportation for the family or the individual. The cost of moving household goods or furnishings, or costs for luggage or baggage in excess of the transportation carrier's stated limitations for personal effects or belongings, will not be authorized.

305.900: WIN Social Services

WIN social services are those employment-related services provided to a WIN registrant, or dependents of a WIN registrant, which have been identified as being necessary to overcome existing barriers to employment or training and which are part of the Employability Plan. Such services are listed under Section 305.930.

WIN social services are provided or arranged by the WIN Social Service Unit (WSSU). DES/WIN is responsible for employment or training placement.

305.910: Eligibility

All WIN registrants are eligible for WIN social services. WIN registrants who are AFDC applicants are eligible only for non-purchased services. WIN registrants who are AFDC recipients and participating in an Employment and Training activity are eligible for both non-purchased and purchased services as defined in the WIN Procedures Handbook.

305.920: Responsibility of the WSS Worker

The WSS worker must provide or arrange for provision of social services to an eligible registrant who requests such services if the need for services is related to the registrant's employment status. The WSS worker must refer persons to DES/WIN or another appropriate agency for diagnostic, training, counseling, or rehabilitation services. A service plan for specific social services must be agreed upon by the WSS worker and the registrant.

305.910: Payments and Limitations for Non-WIN Training Related Expenses

(A) Payments

(1) A basic allowance of $2.00 per day is allowed for the cost of both lunches and public transportation. Private transportation, if necessary, may be approved at the amount allowed State employees. The Department will not pay for the use of taxis.

The allowance may be increased if warranted by the required travel distance; however, the payment for lunches and transportation, whether public or private, must not exceed $20.00 per week, regardless of the actual cost.

(2) The non-recurring costs for books, uniforms, tools and other essential equipment may be allowed only after there has been verification from the training facility that the item requested is a necessary requirement for the satisfactory completion of the training plan. The payment of such items may not exceed $100.00 per calendar year.

(B) Limitations

(1) The Department will not pay tuition or mandatory fees. All grants, scholarships and award letters provided to the recipient for such purposes must be reviewed by the worker to determine whether any surplus funds are available after payment of tuition, mandatory fees and specifically designated expense items. If surplus funds are available, they must be applied to reduce the non-WIN training related expense payment.

(2) The payment of non-WIN training related expenses is limited to one training plan per recipient, regardless of the number of different times the recipient may receive AFDC.

305.920: Verification for Non-WIN Training Related Expenses

(A) The recipient must provide, upon request, verification that:

(1) (S)he is currently attending classes;

(2) (S)he is required to purchase the items specified in 305.910(A)(2); and

(3) (S)he has actually purchased the items for which expenses have been claimed.

(B) The following are acceptable verifications:

(1) For actual attendance, the verification specified in Section 303.310: Dependent Child: Age 18-21;

(2) For the purchase requirement, a signed statement from the instructor confirming the requirement; and

(3) For actual purchase, the sales receipts for the items purchased.

305.930: Method of Payment for Non-WIN Training Related Expenses

(A) The payment of recurring expenses must be made in advance of the need, and must be sufficient to cover anticipated expenses, not to exceed the limit specified in Section 305.910(A)(1), for three months.

(B) The payment of non-recurring expenses is made as needed, subject to the limit specified in Section 305.910(A)(2).

The WSS worker may authorize payment for the WIN social services described in Section 305.930 provided that the registrant meets the Department's eligibility criteria and such services are deemed necessary for employment.

305.930: Description of WIN Social Services

A registrant is not required to participate in a WIN component unless the Welfare Department is able to meet his or her social service needs.

(A) Child Care Services

Child Care services for children include care of a child in or outside his own home by a responsible individual, care of a child in contracted or non-contracted family day care homes or group day care centers.

Child Care Services can be provided for 30 calendar days to a working registrant where the lack of this service would cause the loss of existing employment.

(B) Family Planning Services

WSS workers must assist the registrant by offering: social, educational and medical services which enable individuals to voluntarily limit family size, space the birth of children or prevent unplanned pregnancies. Such services include:

(1) General information on the exisitence of family planning services paid for by the Department;

(2) Appropriate listings of providers participating in the Medical Assistance program;

(3) Referrals to participating providers if requested by the registrant and follow-up services as deemed appropriate by the WSS worker;

(4) Counseling and other necessary services to facilitiate and sustain ongoing medical care and treatment.

(C) Counseling

The WSS worker provides counseling to help the registrant fulfill the goal of economic self-sufficiency. The WSS worker also assists the registrant toward the improvement of individual or family functioning or resolving an identified social service problem. Through the counseling process, the registrant is assisted in the resolution of problems that may interfere with employability.

Counseling includes the following:

(1) Individual's rights and responsibilities in the WIN program. This service includes informing the registrant of WIN benefits as outlined in the WIN Handbook;

(2) Personal and family relationship which involves helping with adjustments in personal and family life styles;

(3) Home Management Service may include instructions and training in household budget planning, maintenance and care of home, nutrition and consumer education;

(4) Housing Improvement Service may involve referral to public housing or other housing resources, reporting housing code violations and taking steps to have these violations corrected;

(5) Information and referral services to family guidance clinics; educational and medical facilities; legal aid and other personal service agencies:

(D) Homemaker Services

A purchased service for the care of individuals in their own homes and/or help to overcome barriers in household and family management through the services of a trained and supervised homemaker.

(E) WIN Related Health Care Services

Services include employment related medical, remedial and health related services to enable WIN registrants to accept employment or receive employment training. In almost all cases such services are provided by the Medical Assistance Program under Title XIX. When the requested service cannot be provided under the Medical Assistance Program the request will be forwarded to the Central Office WIN unit for review and disposition.

(F) Selected Vocational Rehabilitation Services

These are therapeutic and restorative services to correct or substantially improve the WIN registrant's physical or mental condition so that (s)he will be able to accept employment or training. In almost all cases such services are provided by the Medical Assistance Program under Title XIX. When the requested service cannot be provided under the Medical Assistance Program the request will be forwarded to the Central Office WIN unit for review and disposition.

(G) Transportation Services

When transportation to a service is necessary and cannot be funded under the Medical Assistance Program, the WSS worker will not certify and a mandatory registrant will not be required to participate in WIN. The registrant may, however, volunteer for the WIN program even though this service cannot be provided.

305.940: Purchase and Duration of Social Services

WIN-purchased services may be provided only to certified registrants who are employed or participating in a WIN component.

For participants not earning a wage (i.e., those in Intensive Employability Services Component, Institutional Training, Work Experience, Suspense to Training, and Other WIN Non-Component Activity) WIN social services may be provided for the duration of participation.

For wage-earning WIN participants (i.e., those in Work Registrant Status, WIN/OJT, Suspense to Employment including CETA/OJT, CETA/PSE or other employment) necessary WIN social services shall continue for a period of 30 days, and may be provided up to a maximum of 90 days from the first day of employment, even though the AFDC Grant has been discontinued due to income from such employment, if specific services are necessary to enable a registrant to continue employment.

If necessary, WIN social services may be provided for up to two weeks to registrants waiting to enter employment, a component, or between components.

305.950: Termination or Reduction of WIN Social Services

Two weeks prior to the termination or reduction of WIN social services the WSS worker shall assess the continuing need for any other services. If the registrant is eligible for Title XX services the case will be referred to DSS.

The WSS worker must send a 10 day notice (WSS-15 or WSS-16) if services are to be terminated or reduced to the registrant with a copy to DES/WIN.

305.960: Non-WIN Training Related Expenses

The Department may provide payment for non-WIN training related expenses for one eligible natural or adoptive parent in a training program.

The conditions for payment of such expenses are as follows:

(A) The recipient has obtained DES/WIN's approval of the training program if (s)he is a mandatory WIN registrant;

(B) The recipient is not in a WIN-funded training program;

(C) Payment for non-WIN training related expenses is not available from any other agency; and

(D) The training program is one of the following:

(1) A full-time high school, or high school equivalency program;

(2) A full-time vocational training program in which the recipient will gain a specific skill or trade which will enhance his or her employability; or

(3) A full-time undergraduate degree program, not to exceed two years, in an accredited college or university, which will lead to gainful employment.

Recipients who are WIN exempt are not required to register for WIN to be eligible for payment of non-WIN training related expenses.

305.961: Payments and Limitations for Non-WIN Training Related Expenses

(A) Payments

(1) A basic allowance of $2.00 per day is allowed for the cost of both lunches and public transportation. Private transportation if necessary, may be approved at the amount allowed State employees. The Department will not pay for the use of taxis.

The allowance may be increased if warranted by the required travel distance; however, the payment for lunches and transportation, whether public or private, must not exceed $20.00 per week, regardless of the actual cost.

(2) The non-recurring costs for books, uniforms, tools and other essential equipment may be allowed only after there has been verification from the training facility that the item requested is a necessary requirement for the satisfactory completion of the training plan. The payment of such items may not exceed $100.00 per calendar year.

(B) Limitations

(1) The Department will not pay tuition or mandatory fees. All grants, scholarships and award letters provided to the recipient for such purposes must be reviewed by the worker to determine whether any surplus funds are available after payment of tuition, mandatory fees and specifically designated expense items. If surplus funds are available, they must be applied to reduce the non-WIN training related expense payment.

(2) The payment of non-WIN training related expenses is limited to one training plan per recipient, regardless of the number of different times the recipient may receive AFDC.

305.962: Verification of Non-WIN Training Related Expenses

(A) The recipient must provide, upon request, verification that:

(1) (S)he is currently attending classes;

(2) (S)he is required to purchase the items specified in 305.961(A)(2); and

(3) (S)he has actually purchased the items for which expenses have been claimed.

(B) The following are acceptable verifications:

(1) For actual attendance, the verification specified in Section 303.310: Dependent Child: Age 18-21;

(2) For the purchase requirement, a signed statement from the instructor confirming the requirement; and

(3) For actual purchase, the sales receipts for the items purchased.

305.963: Method of Payment for Non-WIN Training Related Expenses

(A) The payment of recurring expenses must be made in advance of the need, and must be sufficient to cover anticipated expenses, not to exceed the limit specified in Section 305.961(A)(1), for three months.

(B) The payment of non-recurring expenses is made as needed, subject to the limit specified in Section 305.961(A)(2).

SECTION

306.XXX

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306.000: Overview of Auxiliary Activities

This Chapter describes activities which affect the delivery of benefits and are required to ensure the proper and accurate direction of funds.

Auxiliary activities and the circumstances in which they are required are described in the following sections:

(A) Inquiries, Requests, and Complaints, Section 306.100;

(B) Underpayments, Overpayments, and Recoupment, Section 306.200;

(C) Referral to Bureau of Welfare Auditing, Section 306.300;

(D) Delivery of Checks, Section 306.400;

(E) Lost and Stolen Checks, Section 306.500;

(F) Vendor Payments, Section 306.600;

(G) Quality Control, Section 306.700.

306.100: Inquiries, Requests, and Complaints

The worker must respond to all appropriate inquiries, requests, and complaints regarding the AFDC Program or AFDC cases for which (s)he is responsible. These responses must be made within the limitations of the Massachusetts Freedom of Information Act as contained in 106 CMR 100: Fair Information Practices, and the regulations which follow.

306.110: Inquiries

An inquiry is an oral or written request for information about the AFDC Program in general. Inquiries must be responded to by workers in the WSO or CSAO to which such inquiries are directed.

306.120: Requests

Under certain circumstances, defined in 106 CMR 100-108, information about a specific case may be released. If the worker is uncertain as to whether information may be disclosed, (s)he must consult with the supervisor. When requests for information about a specific case may not be met, the reasons for the unavailability of information must be explained in writing to the person or institution making the request.

306.130: Complaints

A complaint is an oral or written communication expressing dissatisfaction with the policies and procedures of the Department or its administration. Complaints may be made by persons, institutions, or other agencies.

306.140: Oral Complaints

In the case of an oral complaint, the worker must attempt to address the complainant's dissatisfaction by providing a prompt interpretation of agency policy. In the event the complainant is not satisfied with the worker's explanation and wishes to go beyond the worker for assurance that (s)he is receiving equitable treatment, the worker's immediate supervisor must be available for a three-way discussion of the problem.

The applicant, recipient or institution must be informed of the right to appeal and have a fair hearing or to have a review without a hearing.

306.150: Written Complaints

In the case of a written complaint, the complaint must be reviewed by the worker to determine its validity. After the review is completed, a summary must be made of the facts and the action to be taken. The worker's decision must be reviewed by the immediate supervisor.

A letter must then be sent to the complainant informing such individual or institution of appropriate action in relation to the complaint. The letter must inform the complainant of the right to appeal and have a fair hearing or to have a review without a hearing.

306.400: Delivery of Checks

(A) Checks are normally mailed to the home address of the recipient. The WSO or CSAO Director or his or her designee may authorize delivery to a U.S. Post Office Box or to the WSO or CSAO for pick-up by the recipient in the following situations:

(1) Two or more checks have been stolen and a Statement of Loss Form (FCB-1) has been filed in each instance;

(2) No adult is home to receive mail because of employment, school or training;

(3) The recipient resides in an area where the post office does not offer direct mail deliveries to homes; or

(4) The recipient resides in a temporary shelter for battered women.

Recipients who pick up checks at the WSO or CSAO must present proof of identity and sign a receipt for the check.

The worker will not authorize reimbursement for P.O. Box fees and will not authorize the delivery of assistance checks to private mail box services or other such agents.

(B) In cases where checks are delivered to the WSO or CSAO, continued residence must be verified. The following constitute acceptable verification:

(1) A home visit; or

(2) One of the following documents provided it bears the name and address of the recipient:

a. A current housing authority rent receipt;

b. A current gas bill;

c. A current electric bill;

d. A current telephone bill; or

e. Any other form of documentation which the supervisor has determined verifies the continued residence of the recipient.

306.410: Ensuring the Proper Direction of Checks

When necessary to avoid the misdirection of checks, the worker must require verification of address from an applicant or recipient who moves and requests a change of address.

Acceptable verification includes a rent receipt, statement from the new landlord, or a gas, electric or telephone bill that shows the new address.

Agency and recipient time standards for change of address are provided in Section 301.530: Table of Time Standards.

306.500: Lost and Stolen Checks

When a report is received that a check is lost or has not been received, the worker must determine the address to which the check was mailed and whether or not the check has been returned to the Department. If the check can be located, it must be re-mailed to the recipient. If the recipient has reason to believe that the check has been stolen, (s)he must report the theft to the police.

If a check cannot be located, the recipient may request a replacement check by completing a Statement of Loss Form (FCB-1). If (s)he does so, (s)he must be advised of the need to return the check if it is received at a later date.

306.510: Authorization of a Replacement Check

The worker must approve a request for a replacement check when:

(A) The original check is reported as lost or stolen; and

(B) The original check cannot be located; and

(C) At least two days have elapsed since the date the check was scheduled to be received; and

(D) The worker has no reason to doubt the validity of the claim; and

(E) No more than 60 days have elapsed since the issuance of the original check. If more than 60 days have elapsed, the office director must approve the replacement.

306.520: Issuance of a Replacement Check

If the original check has not been cashed, the Department must issue a replacement check within 14 calendar days of the date the recipient signs the FCB-1.

If the original check has been cashed, the recipient must sign a notarized statement that the endorsement is not his or hers. The Department must issue a replacement check within 28 days of the date the recipient signs the FCB-1. If the recipient admits to signing the original check or refuses to sign the notarized statement, the worker must refer the case to the BWA.

306.530: Immediate Assistance Pending Replacement

If immediate assistance is needed pending the arrival of the replacement check, food or shelter vouchers must be authorized. The amount of such vouchers must be deducted from the amount of the replacement check.

The voucher must be issued within 7 calendar days of the request if the check has not been cashed by anyone, and 14 calendar days if it has been cashed. The period for the issuance of the voucher is the number of days, if less than 7 or 14, necessary to avoid any serious and imminent risk to the health and safety of the recipient which might arise from failure to act until the full 7 or 14 days have elapsed.

306.600: Vendor Payments

Vendor payments are money payments made directly to a provider of goods and services on behalf of recipients of AFDC. Financial assistance in the form of vendor payments must be provided when:

(A) The grantee-relative fails to meet the eligibility requirements of the WIN or CSE programs;

(B) The grantee-relative has demonstrated an inability to manage funds; or

(C) Certain AFDC-related benefits are authorized.

All plans for assistance in the form vendor payments must be approved by the supervisor. When vendor payments are authorized as an alternative

to full direct money payments, the grantee-relative must be given the opportunity to participate in the determination of the payment plan and the selection of the vendor, to the extent that this is possible.

306.610: Vendor Payments For Non-Compliance With WIN or CSE Program Requirements

Assistance in the form of vendor payments is required when the grantee-relative does not meet the requirements of the WIN or CSE program. Assistance in these cases is provided in the form of vendor payments to the extent possible. Any remaining portion of the grant to which the assistance unit is entitled must be made to the grantee-relative.

Vendor payments may be terminated, with a return to direct money payment status, only when the requirements of these programs have been met.

306.620: Vendor Payments For Mismanagement of Funds

Vendor payments are required when a grantee-relative has demonstrated a persistent inability to manage funds such that the grant has not been used in the best interests of the child.

When vendor payments are established on the basis of financial mismanagement, the worker must refer the grantee-relative to the Department of Social Services for counseling.

(A) Evidence of Mismanagement

Mismanagement must have continued for a period of at least two months and must be evidenced by one or more of the following: failure to meet obligations, such as rent or utility bills; evictions; evidence that the child is not properly fed or clothed; or accumulation of unmanageable debts.

(B) Number of Vendor Payments

The number of vendor payments authorized in cases of mismanagement depends on the circumstances of the case. If the grantee-relative has had difficulty with the management of all budgetary items, the worker must provide for assistance for all items, except personal care, in the form of vendor payments.

If the grantee-relative has had difficulty with only certain items, such as rent, the worker may make vendor payments for such selected items only.

(C) Review of Cases Involving Mismanagement

Cases in which vendor payments are based on financial mismanagement must be reviewed no less frequently than every 3 months. The worker, with the approval of the supervisor, must terminate vendor payment status when there is evidence that the grantee-relative is able to manage direct money payments.

In cases in which it appears that vendor payment status will continue beyond one year, the Department must refer the case to the Department of Social Services for consideration of alternative arrangements for providing assistance to the child(ren). These include: voluntary placement with another relative; placement in foster care; or judicial appointment of a legal guardian. The recipient must be notified of any decision to change his or her status as grantee-relative.

306.630: Vendor Payments for AFDC-Related Benefits

Vendor payments are also used to provide certain AFDC related benefits. Chapter 305 includes a description of these benefits.

If the benefit is provided as an advance on the grant, the amount of the vendor payment must be deducted from the amount of the grant on which it was drawn. Other benefits are provided in addition to the grant and are provided for in the amount prescribed in Chapter 305.

306.640: Determination of Amount of Vendor Payments

A vendor payment for housing must be made in the amount of the rent or mortgage payment contracted for by the applicant or recipient.

A vendor payment for fuel or utilities must be made in the amount of the monthly cost of the fuel or utility averaged over a 12 month period, as determined by the applicant or recipient's arrangement with the fuel or utility company.

Regardless of the number of individual vendor payments made, the grantee-relative must be provided with an allownace for personal care in the form of a direct money payment. The total amount provided by vendor payments and the direct money payment must not exceed the total amount of the grant for which the assistance unit is eligible.

306.650: Vendor Payments for Housing

When a vendor payment is made for rental housing, the worker must obtain written certification from the City, the Town Board of Health, or the Commissioner of Housing Inspection, if in Boston, stating that the housing complies with the minimum standards for health and safety established by that agency.

Vendor payments will not be made for housing if the housing does not meet these requirements.

306.660: Notification of Vendor Payment Status

An applicant or recipient whose grant is provided in the form of vendor payments must be given written notification of the payment status, the reasons for the status, and the right to a fair hearing.

At redetermination, additional notice must be provided of a decision to continue vendor payment status in cases of financial mismanagement.

306.700: Quality Control

Quality Control is a system of continuing review designed to measure the accuracy of decisions on eligibility and the amount of assistance for AFDC, Medical Assistance and Food Stamps.

The Division of Quality Control has responsibility for administering the review system. The review is an on-going process based on a sample of active AFDC cases.

306.710: Requirement of Cooperation with Quality Control Reviews

When a case is selected for review, the grantee-relative is required to cooperate with the Quality Control review process as a condition of continued eligibility. Cooperation includes, but is not limited to, a personal interview with the Quality Control reviewer and the furnishing of information necessary to determine eligibility and the amount of assistance.

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